

STATE OF SOUTH CAROLINA JUDICIAL DEPARTMENT



ANNUAL ACCOUNTABILITY REPORT FISCAL YEAR 2003 - 2004

September 15, 2004

TABLE OF CONTENTS

SECTION I	2
EXECUTIVE SUMMARY	2
SECTION II.....	7
BUSINESS OVERVIEW	7
SECTION III	15
ELEMENTS OF MALCOLM BALDRIGE AWARD CRITERIA.....	15
CATEGORY 1 – LEADERSHIP	15
CATEGORY 2 – STRATEGIC PLANNING	20
CATEGORY 3 – CUSTOMER FOCUS	24
CATEGORY 5 – HUMAN RESOURCES.....	28
CATEGORY 6 – PROCESS MANAGEMENT	31
CATEGORY 7 – BUSINESS RESULTS	34

Accountability Report Transmittal Form

Agency Name: South Carolina Judicial Department

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SECTION I

EXECUTIVE SUMMARY

1. MISSION AND VALUES

By the adoption of Article V, Section 1, of the South Carolina Constitution, the people of this State established the Judicial Department as the administrator of a unified judicial system (the Judicial Branch), one of the three co-equal branches of South Carolina State Government.¹ At some point, virtually all citizens of the state have contact with the Judicial Department, whether that contact is direct because of involvement in a civil dispute or criminal matter, or indirect because the citizen's life is impacted by a decision of a trial or appellate court that could involve local zoning, taxation, or interpretation of a state statute. The Judicial Department strives to provide a court system that not only is fair but that the citizens of the state perceive as treating all persons equally and as resolving all matters in an unbiased and just manner according to the law as established by the United States Constitution, the Constitution of South Carolina, state statutes, and the common law.

The mission of the Judicial Department is to ensure that an accessible forum is available for the resolution of civil disputes and criminal matters and to resolve those cases in a fair and efficient manner.

Values are defined as the principles, goals, and standards held by society. The Judicial Department balances the tradition of the courts with its modernization by upholding its core values:

Fundamental belief in justice for all

Commitment to the people of South Carolina

Focus on improving results

Dedication to collaboration within the Judicial Branch and with appropriate outside entities

Expectation of professional and ethical behavior

2. MAJOR ACHIEVEMENTS FROM PAST YEAR

Through the combined efforts of judges, administration and staff, the Judicial Department has attained notable achievements this year. Some of the accomplishments significantly improved specific operations within the courts while others have solidified the changing paradigm, culture and mindset of individuals working in and with the Judicial Branch. Eight major achievements have been identified:

- The Chief Justice received numerous awards and recognitions throughout the year. These awards not only reflect Chief Justice Toal's individual achievements, but they also recognize the achievements of the Judicial Branch of South Carolina as a whole. Two of the many honors were:

¹ Throughout this report, the term "Judicial Department" includes those departments and divisions directly funded by the State. The term Judicial Branch refers to all entities included in the unified judicial system, funded both by the State and locally by counties and municipalities.

- The Chief Justice served as a keynote speaker at the Court Technology Conference 8 sponsored by the National Center for State Courts in October 2003.
 - The Chief Justice received the prestigious Margaret Brent Award from the American Bar Association (ABA) Commission on Women in the Profession during the ABA Annual Meeting in August 2004. This award is given annually to the top five women lawyers in the nation.
- The fundamental technology initiative of the Judicial Department is to establish reliable, high-speed Internet connectivity to all judicial facilities within the state. In July 2004, the last of the 46 county Clerks of Court obtained this connectivity, which also provides reliable Internet access to the Circuit and Family Courts and their staff. In order to achieve this goal, the Judicial Department, utilizing its collaborative methodologies, has worked with county councils, county administrations, judicial personnel, other local officials, telecommunications companies, and other state agencies.
- The general public, legal community and law enforcement's reliance upon the Judicial Web site increased significantly throughout the year. By the end of the fiscal year in June 2004, more than 4,500,000 hits per month were being received on the Judicial Department Web site – www.sccourts.org. This hit rate is increasing at more than 100% per year and indicates that the shift from the paper world to the electronic world within the Judicial Department operations and for its customers and stakeholders is a reality. The Web site is now an integral part of the everyday operations of the South Carolina Courts.
- A completely revised bar admissions rule, Rule 402, SCACR, was implemented which clarifies and streamlines the admissions process – a first step toward the ultimate automation of the entire bar admissions process.
- The Lawyers and Judge's Oaths were revised to emphasize professionalism both in relations between lawyers and their clients, relations with other lawyers and judges and in courtroom conduct. The mandated education and administration of the oaths now has acquired CLE status with the South Carolina Bar and must be completed by each licensed lawyer and each active judge before the end of the calendar year 2004. The seminars that have been conducted thus far have been received extremely favorably by the Bar membership and judges.
- Within a short period of time, the Chief Justice's Commission on the Profession, working with the Law School, set up an internship program for law students to work with judges. The response of the judges was overwhelming, with the result being that more judges were willing to have a student intern with them than there were available students. Next year, the program will be advertised earlier in the academic year to allow more students to participate.
- The Judicial Department, working with the South Carolina Bar, has very successfully implemented a "Class Action" program. The program allows junior and senior high school students to read briefs prior to oral argument, attend arguments before the Supreme Court, and engage in a question and answer session with the Court, within the limits of the Court's confidentiality policy, about issues in the case. Because of the success of the program, the Judicial Department is working with ETV to have one argument videotaped each month that, along with the briefs, will be available via the Judicial Department Web site to schools that cannot attend oral argument.
- The Judicial Department is proud that South Carolina Circuit Court Judge Henry Floyd's nomination to the Federal District Court was confirmed; showing the excellent quality of the South Carolina judges serving on the state trial bench.

3. KEY STRATEGIC GOALS FOR PRESENT AND FUTURE YEARS

The following significant efforts are planned for the Judicial Department:

- Continue to serve the public by resolving cases in accordance with the national benchmarks established for appellate and trial court cases.
- Continue to protect the public by improving the triage system within the Office of Disciplinary Counsel. Furthermore, continue collaboration with the Attorney General's Office, solicitors, and the Office of Disciplinary Counsel to establish a system to prosecute lawyers who have stolen money from clients or other entities.
- Complete an intense review of the operations, procedures, and processes of the Circuit and Family Courts by a Blue Ribbon Task Force established by the Chief Justice. The results of this review will be used to improve consistency throughout the state and serve as the starting point for updating the Judicial Department strategic plan.
- Establish reliable, high-speed Internet connectivity to all judicial facilities and judicial personnel in the state (all eight levels of court). During fiscal year 2004 – 2005, connectivity for the Magistrate Courts in the 46 counties will be completed.
- Increase the efficiency of the day-to-day court operations with the deployment of the statewide court case management system.
- Develop an online bar admissions application and automated bar admissions tracking system.
- Develop a Code of Conduct for all employees of the Judicial Department.
- Develop a Code of Conduct for County Clerks of Court.
- Increase services provided through the Judicial Department Web site.
- Expand the "Class Action" judicial education program for junior and senior high-school students to make it available over the Internet.
- Develop a direct, near real-time, electronic interface with the South Carolina Law Enforcement Division (SLED) in accordance with the homeland security interface standards developed by the US Department of Justice.
- Revise record retention schedules and secure approval from State Archives to utilize digital images as the Court's record.
- Develop a training video for Family Court Judges regarding the impact of the judicial system and judicial decisions on the life of children caught in situations of child abuse and neglect. Use this video as a basis for training of Family Court Judges.

4. OPPORTUNITIES AND BARRIERS

4.1 Opportunities

Opportunities for the Judicial Department for FY 2004 - 2005 are based on further leveraging the resources and skills of all Judicial Branch entities as follows:

- The Judicial Department continues its multi-year initiative to modernize the judicial system through the incorporation of technology into everyday court operations. The Judicial Department will continue partnerships with other state and federal agencies, including SLED, DPS, SCDC, DPPP, DSS, Department of Revenue, Election Commission, and the

Office of the State CIO. In addition, the Judicial Department will continue its close collaboration with each of the 46 counties.

- Homeland Security is currently on the forefront of public awareness. The criminal justice system, specifically law enforcement and the courts, have become a focus of emphasis for public safety. The threat posed by terrorism highlights the critical role of our nation's state courts in maintaining the rule of law, which is the foundation of a civilized society.
- With the increased funding authorization provided by the Legislature, the Judicial Department expects to be able to resume judicial rotation as required by the state constitution as well as other judicial programs that have had to be reduced or eliminated in recent years. Stability in funding sources will now be the emphasis.

4.2 Barriers

The Judicial Department's ability to meet its goals is directly affected by constitutional mandates and separation of powers. Criminal prosecution is an Executive Branch function, and the number of cases filed and the disposition rate of those cases are largely controlled by the prosecutorial arm of state government. The Legislative Branch enacts legislation that impacts the Judicial Department's ability to meet its goals, as new laws are enforced by the Executive Branch and must be interpreted by the Judicial Department. The level of funding provided to the Judicial Department by the Legislative Branch is the overwhelmingly determinative factor in the quantity and quality of resources available to achieve the Judicial Department's objective to provide an efficient forum for resolution of issues brought forth through Legislative Branch enactments and actions initiated by the Executive Branch and citizens. Much of the needed funding has been provided by the Legislature through temporary provisos.

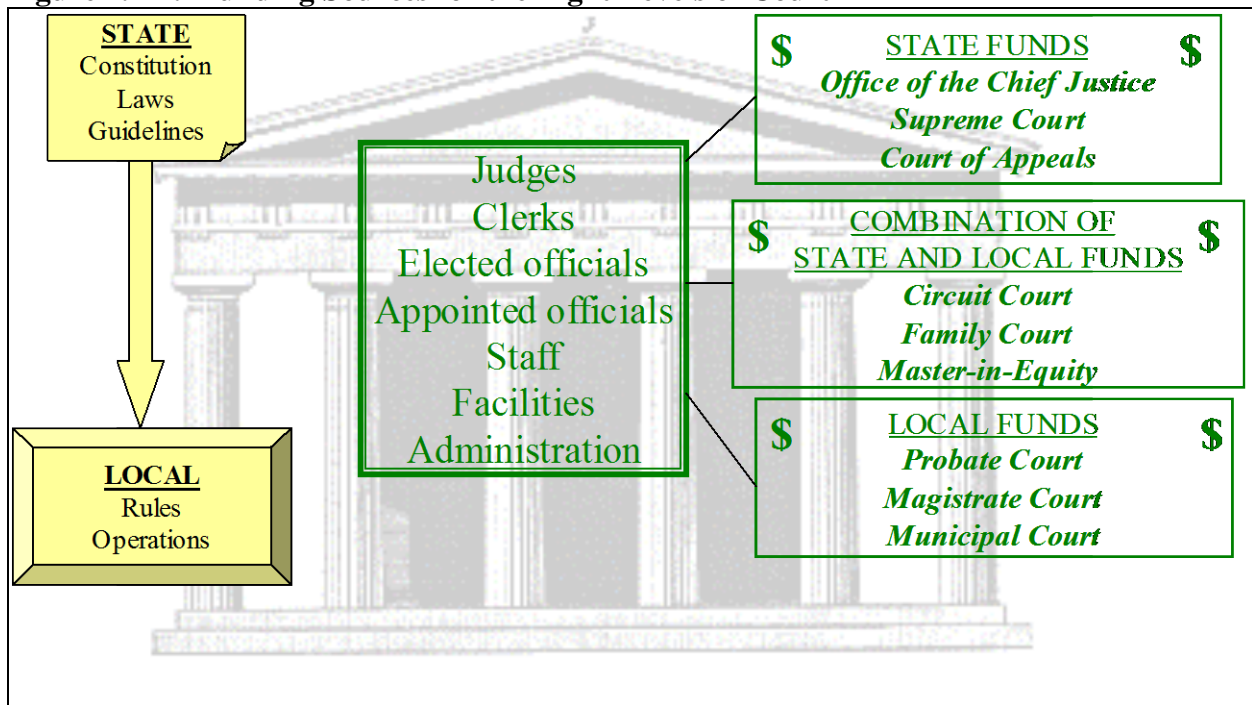
The barriers being faced by the Judicial Branch are:

- Although turnover rates for Judicial Department employees remain low, they are beginning to rise. The rise in insurance rates, coupled with an improved private job market, will likely be a barrier to retaining experienced employees. Provision by the General Assembly of stable sources of funding for the Judicial Department will ameliorate this situation.
- Counties without technology resources now rely upon the Judicial Department for technology support. Therefore, the limited Information Technology (IT) staff of the Judicial Department is serving as the direct technology support for the most rural counties, diverting this staff from its primary duties. Essentially, Judicial Department IT is serving as the county IT support for these 12 to 15 most rural counties.
- The vision and expectations of other state technology focused agencies are not aligned with the vision and expectations of the Judicial Department, both in regards to itself and these other agencies.
- The fact that public – private information laws have not yet been standardized at a national level leaves the Judicial Department, as well as the state of South Carolina as a whole, vulnerable to the discretion of the decisions by each individual local government. To begin addressing this issue, the Judicial Department intends to form a committee in a manner similar to other states such as Minnesota, Florida, and New York.
- Based upon a joint study by the Conference of State Court Administrators, Bureau of Justice Statistics (BJA), and the National Center for State Courts (NCSC), South Carolina currently ranks 48th out of 48 reporting states (including the District of Columbia) with regards to

filings per judge. South Carolina has only 1.3 judges per 100,000 population and 3,378 filings per judge. Massachusetts is ranked first with only 379 cases per judge. Streamlining and doing more with less has its limits with regards to effectiveness. South Carolina courts have not had any additional judge positions in the Circuit and Family Courts in nine (9) years. In these past nine (9) years, the total caseload in the South Carolina Courts has continued to increase.

- Finally, the ability to provide adequate services for all levels of the unified judicial system relies in large part on local funding. County and municipal governments bear responsibility to provide funding for county courthouses, clerks of court, magistrates, municipal judges, probate judges, and masters-in-equity and their staffs. Figure 4.2-1 illustrates the combination of state and local funding sources that are required to operate the eight levels of court constituting the Judicial Branch.

Figure 4.2-1: Funding Sources for the Eight Levels of Court



5. HOW THE ACCOUNTABILITY REPORT IS USED TO IMPROVE ORGANIZATIONAL PERFORMANCE

Throughout the year, the Chief Justice and Executive Team use the Accountability Report as a tool to assess progress toward goals and make adjustments in priorities, resource assignments, and allocations as required.

SECTION II

BUSINESS OVERVIEW

1. NUMBER OF EMPLOYEES

Table 1-1 identifies the various types of employees working for the Judicial Department.

Table 1-1: Judicial Branch Employees

NUMBER OF EMPLOYEES	DESCRIPTION	LOCATION	FUNDING SOURCE
14	Justices and Appellate Judges	Court in Columbia; Offices throughout the state	State
98	Circuit and Family Court Judges	Throughout the 46 counties	State
368	Law clerks, court reporters, judges' administrative assistants, appellate court clerks and staff attorneys	Throughout the 46 counties	State
76	Court Administration, Finance and Personnel, Information Technology, and Office of Disciplinary Counsel	Columbia	State
22 + Staff	Masters-in-Equity Judges	Throughout the 46 counties	County
46 + Staff	County Clerks of Court	Each of the 46 counties	County
18 + Staff	Registers of Deeds	Throughout the 46 counties	County
46 + Staff	Probate Judges	Throughout the 46 counties	County
325 + Staff	Magistrates	Throughout the 46 counties	County
350 + Staff	Municipal Judges	Throughout the 46 counties	Municipalities
1 + Staff	State Grand Jury Clerk	Columbia	State – Attorney General's Office

2. OPERATION LOCATIONS

The Supreme Court, Court of Appeals, Office of the Chief Justice and Court Administration are located in Columbia, with the other courts' facilities and personnel located throughout the 46 counties.

3. EXPENDITURES/APPROPRIATIONS CHART

The expenditures and appropriations for the Judicial Department are listed in Tables 3-1 and 3-2.

Table 3-1: Base Budget Expenditures and Appropriations

Major Budget Categories	02-03 Actual Expenditures		03-04 Actual Expenditures		04-05 Appropriations Act	
	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Funds
Personal Service	\$26,869,109	\$24,279,856	\$27,055,176	\$21,736,095	\$30,364,561	\$21,630,492
Other Operating	\$4,076,691	\$1,148,927	\$5,123,496	\$928,802	\$5,693,840	\$684,000
Special Items	\$3,402,040	\$	\$4,525,582	\$	\$4,173,086	\$52,000
Permanent Improvements	\$	\$	\$	\$	\$	\$
Case Services	\$297,660	\$	\$329,930	\$	\$	\$
Distributions to Subdivisions	\$	\$	\$	\$	\$	\$
Fringe Benefits	\$10,622,654	\$9,873,233	\$10,751,769	\$9,184,356	\$10,635,502	\$9,416,475
Non-recurring	\$	\$	\$	\$	\$	\$
Total	\$45,268,154	\$35,302,016	\$47,785,953	\$31,849,253	\$50,866,989	\$31,782,967 *

* In FY04-05, the General Assembly only funded 62.5% of the Judicial Department's total budget needs. The remaining funds are currently received via unstable revenue sources such as fees and surcharges.

Table 3-2: Other Expenditures

Sources of Funds	02-03 Actual Expenditures	03-04 Actual Expenditures
Sources of Funds	02-03 Actual Expenditures	03-04 Actual Expenditures
Supplemental Bills	\$384,945	\$0
Federal Funds	\$2,897,003	\$5,831,459
Earmarked Receipts (Filing Fees; Law Enforcement Surcharge)	\$6,386,530	\$9,775,311

4. MAJOR PROGRAM AREAS CHART

Major Program Areas

Program Number and Title	Major Program Area Purpose (Brief)	FY 02-03 Budget Expenditures		FY 03-04 Budget Expenditures		Key Cross References for Financial Results*
Supreme Court	This is the highest court in the state. It interprets the laws of South Carolina and is the final rule-making body for all other courts in the state.	State: 3,171,623.96 Federal: 0.00 Other: 782,389.82 Total: 3,954,013.78 % of Total Budget: 9%	7% 0% 2% 9%	State: 3,237,519.76 Federal: 0.00 Other: 1,097,584.56 Total: 4,335,104.32 % of Total Budget: 9%	7% 0% 2% 9%	Tables 2.1.1-1, 2.1.1-2, & Figures 2.1.1-1, 2.1.1-2.
Court of Appeals	This is an intermediate appellate court. This court reviews decisions of the lower courts for procedural and/or legal errors.	State: 4,278,396.17 Federal: 0.00 Other: 269,525.54 Total: 4,547,921.71 % of Total Budget: 10%	9% 0% 1% 10%	State: 2,642,526.45 Federal: 0.00 Other: 1,573,363.90 Total: 4,215,890.35 % of Total Budget: 9%	6% 0% 3% 9%	Tables 2.2-1, 2.2-2 & Figure 2.2-1.
Circuit Court	The Circuit Courts are South Carolina's courts of general jurisdiction, which are comprised of the General Sessions Courts (criminal cases) & Common Pleas (civil disputes).	State: 12,080,466.04 Federal: 0.00 Other: 3,069,416.13 Total: 15,149,882.17 % of Total Budget: 34%	27% 0% 7% 34%	State: 11,403,511.51 Federal: 0.00 Other: 3,327,080.43 Total: 14,730,591.94 % of Total Budget: 31%	24% 0% 7% 31%	Figures 2.5-1, 2.5-2, 2.5-4, 2.5-5 & Table 2.5-1.
Family Court	Family courts provide a forum for the resolution of disputes involving family matters: divorce, abuse and neglect, protection from domestic abuse, and juvenile matters.	State: 12,816,650.64 Federal: 0.00 Other: 412,736.29 Total: 13,229,386.93 % of Total Budget: 29%	28% 0% 1% 29%	State: 11,567,948.65 Federal: 0.00 Other: 1,876,135.90 Total: 13,444,084.55 % of Total Budget: 28%	24% 0% 4% 28%	Figures 2.5-3, 2.5-6 & Table 2.5-1.
Information Technology	IT provides the technology tools needed to modernize the Judicial Branch. It enables South Carolina to electronically exchange information with other state and local agencies.	State: 942,211.64 Federal: 2,897,003.29 Other: 1,322,648.06 Total: 5,161,862.99 % of Total Budget: 11%	2% 6% 3% 11%	State: 948,984.35 Federal: 5,831,458.86 Other: 810,517.50 Total: 7,590,960.71 % of Total Budget: 16%	2% 12% 2% 16%	
Court Administration	Court Administration serves the Chief Justice in her capacity as the administrative head of the unified judicial system.	State: 971,115.05 Federal: 0.00 Other: 377,889.08 Total: 1,349,004.13 % of Total Budget: 3%	2% 0% 1% 3%	State: 945,954.60 Federal: 0.00 Other: 371,696.13 Total: 1,317,650.73 % of Total Budget: 3%	2% 0% 1% 3%	

Below: List any programs not included above and show the remainder of expenditures by source of funds.

Remainder of Expenditures:	State: 1,426,497.82 Federal: 0.00 Other: 449,584.68 Total: 1,876,082.50 % of Total Budget: 4%	3% 0% 1% 4%	State: 1,102,807.51 Federal: 0.00 Other: 1,048,862.66 Total: 2,151,670.17 % of Total Budget: 4%	2% 0% 2% 4%
Bar Examiners, Disciplinary Counsel, Administration(Finance & Personnel), Judicial Commitment and Interpreters.				

* Key Cross-References are a link to the Category 7 - Business Results. These References provide a Chart number that is included in the 7th section of this document.

5. KEY CUSTOMERS SEGMENTS LINKED TO KEY PRODUCTS/ SERVICES

The key customers of the Judicial Branch include:

- Litigants and counsel
- Grievants
- Non-litigants participating in court proceedings
- Judges, clerks and staff at the locally-funded level

The key products and services provided to these customers are identified in **Section III – Category 3.**

6. KEY STAKEHOLDERS

The key stakeholders of the Judicial Branch include:

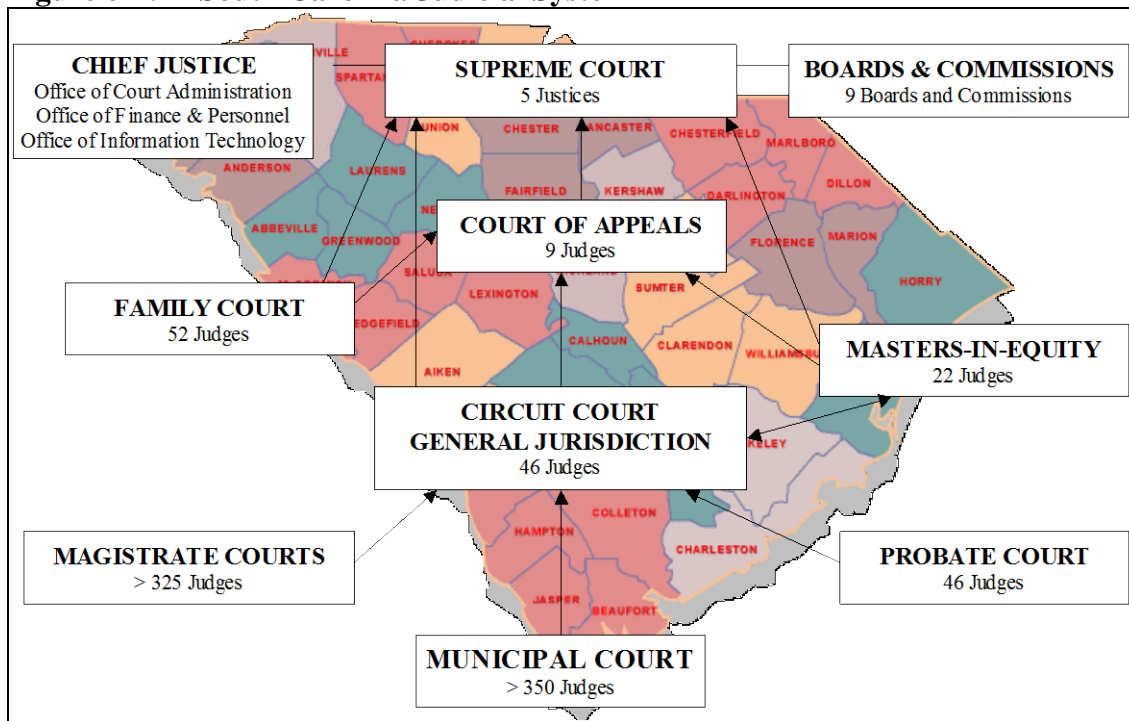
- Members of the South Carolina Bar
- Applicants
- Media
- General public

7. KEY SUPPLIERS

The key suppliers of the Judicial Department are the customers (citizens of South Carolina, agencies, businesses, etc.) of the other two branches of government, as those branches respond to the changing needs of their customers. The Legislative Branch enacts new statutes providing greater or different rights and protections for citizens. The Executive Branch, through the solicitors and Attorney General, and the citizens of the State enforce the legislative enactments. The Judicial Branch then provides a forum for the interpretation of these enactments.

8. ORGANIZATIONAL STRUCTURE

Figure 8-1: South Carolina Judicial System



The Judicial Department manages the statewide, unified judicial system. The organizational structure of the South Carolina Judicial Department can be categorized in two areas: (1) adjudication and (2) administration.

8.1 Adjudication

Supreme Court

The Supreme Court is the highest court in South Carolina. It has both appellate and original jurisdiction. In its appellate capacity, the Supreme Court has exclusive jurisdiction over any case:

- Including the sentence of death
- Setting public utility rates
- Challenging the state constitution, state law, county or municipal ordinance on state or federal grounds
- Challenging the authorization of general obligation debt (state bonds)
- Challenging elections and election procedures
- Limiting investigation by the state grand jury
- Relating to abortion by a minor

Additionally, cases filed in the Court of Appeals are sometimes transferred to the Supreme Court when the appeal involves novel issues of significant public interest. Also, the Supreme Court reviews decisions made by the other courts and issues writs to decide actions in its original jurisdiction. The Supreme Court provides litigants with a resolution of the matter from the highest court in the state and interprets and develops the law of this state. The Supreme Court's published decisions serve as binding precedent on all other courts in this state and, therefore, serve as a framework for how cases will be decided in the future, providing stability and predictability in the law. Finally, the Supreme Court may agree to answer questions of law submitted by federal courts or appellate courts of another state when South Carolina law may be determinative of the action pending in the other jurisdiction.

Court of Appeals

The Court of Appeals is an intermediate appellate court that hears all appeals from the Circuit and Family Courts with the exception of the appeals that fall into one of the seven classes of exclusive jurisdiction listed under Supreme Court. The Court of Appeals, sitting in panels of three judges, reviews decisions of the lower courts by applying the law to the facts presented. The published decisions of the Court of Appeals, unless overruled by the Supreme Court, serve as precedent for the trial courts.

Circuit Courts

Circuit courts are South Carolina's trial courts of general jurisdiction. The courts of common pleas provide a forum for the resolution of civil disputes involving sums greater than \$7,500. Common pleas courts are available to issue injunctions to provide immediate relief and time for a thorough assessment of a particular situation, for example "immediately, yet perhaps temporarily stop the demolition of a historic landmark." Also, through the Chief Justice's appointment of one judge to hear the entirety of a complex civil action, the circuit courts are able to resolve cases involving numerous parties and varied, complex causes of action. In criminal cases, the courts of general sessions protect the rights of the accused to a fair and impartial trial, protects the rights of the victim, and balances public safety and the goals of punishing and rehabilitating a convicted offender. In capital cases, again through the Chief Justice's appointment of one judge to preside over the case,

the courts of general sessions are able to provide continuity in decision making in these often highly emotional and difficult cases.

Family Courts

The family courts provide a forum for the dissolution of a marriage and the division of marital assets. These courts hear and decide actions involving the most intimate details of citizens' lives and do so in a manner that strives to preserve the litigants' privacy while protecting the public's right of access to the courts. Family courts also hear and decide abuse and neglect proceedings as well as child support matters, protecting the most vulnerable of South Carolina's citizens. Family courts also issue orders of protection from domestic abuse for abused family or household members. Family courts adjudicate juvenile delinquency matters, working with a multitude of executive agencies, as these courts balance public safety with the rehabilitative goals of the juvenile justice system.

Masters-in-Equity

The master-in-equity courts are an extension of the court of common pleas, the civil side of the circuit court. These courts resolve civil cases that do not require a jury trial and typically involve contract disputes over property or construction and real estate foreclosures.

Probate Courts

The probate courts provide citizens with a forum to probate wills and settle disputes over the distribution of the assets of estates. Probate courts also preside over proceedings for involuntary commitments, insuring that the rights of citizens who are suffering from a disability requiring involuntary commitment are protected while also insuring that, if necessary, these citizens receive treatment. In addition, South Carolina marriage licenses are issued by the probate courts.

Summary Courts

The summary courts comprise both Magistrate and Municipal courts, which resolve the majority of cases filed in South Carolina. Magistrates hear a wide variety of disputes between citizens, such as landlord tenant cases and civil cases involving less than \$7,500. Magistrates also issue orders for protection from domestic abuse, restraining orders, and warrants assisting in criminal investigations. The summary courts set bonds for all criminal cases and directly decide criminal cases with penalties not exceeding 30 days imprisonment and/or a fine of \$500. The process for setting bonds is standardized statewide so all citizens who are arrested and seek to be released on bond receive a timely hearing. Municipal courts have the same criminal jurisdiction as Magistrate courts; however, Municipal courts have no civil jurisdiction.

Jury Service

Jury service in circuit, probate, magistrate, and municipal courts is mandated by Art. I, § 14, of the South Carolina Constitution, South Carolina Code Ann. § 62-1-306, and Rule 38, SCRCP, which provide for jury trials. The purpose of these provision is to allow for parties to have their disputes decided by their peers.

8.2 Administration

Supreme Court

The Chief Justice, as the administrative head of the Judicial Branch, is responsible for the operation, both adjudicative and administrative, of the courts in the statewide, unified judicial system. Through orders and directives, she clarifies issues such as expungement procedures and the limiting the appointment of counsel in post-conviction relief matters, which affect courts, customers and stakeholders around the state. The Chief Justice and the Supreme Court promulgate rules of practice and procedure for all South Carolina courts, judges, lawyers, and various commissions and boards of the Supreme Court. In addition to deciding cases, the Supreme Court licenses all attorneys practicing in the state and disciplines lawyers and judges for misconduct.

Office of Bar Admissions

The Office of Bar Admissions is responsible for processing applications of individuals seeking admission to practice law in South Carolina. Additionally, it processes requests to be certified as lead counsel in death penalty cases, requests for approval of trial experiences required before a lawyer may appear alone in the trial of a case, applications for out-of-state attorneys to appear in South Carolina courts *pro hac vice*, and requests for certificates of good standing for members of the South Carolina Bar. Finally, it assists the Board of Law Examiners in conducting the South Carolina Bar Examination and assists the Committee on Character and Fitness as it determines whether each applicant has the requisite character to be a member of the South Carolina Bar. The Board of Law Examiners and the Committee on Character and Fitness ensure that lawyers have the requisite legal knowledge, skills, and character to competently and ethically handle the legal affairs of the citizens of South Carolina.

Office of Disciplinary Counsel

The Office of Disciplinary Counsel investigates and prosecutes complaints involving allegations of misconduct and incapacity on the part of lawyers licensed to practice law in South Carolina and of judges who are part of the state unified judicial system. Matters handled by the Office of Disciplinary Counsel are filed with and processed through either the Commission on Lawyer Conduct or the Commission on Judicial Conduct. Matters not directly decided by either of these commissions are decided by the Supreme Court. The purpose of the disciplinary system is to protect citizens from attorneys or judges who, because of flaws in their character or skills or because of mental or physical incapacity, could pose a danger to the public if they are allowed to continue practicing law or presiding over court proceedings.

Court Administration

Court Administration serves the Chief Justice in her capacity as the administrative head of the unified judicial system. This office has a wide range of responsibilities and duties, which include recommending to the Chief Justice schedules of terms for circuit and family court, assigning judges to preside over these terms, and scheduling and supervising the court reporters who transcribe the proceedings. Court Administration provides assistance to individual courts in jury management, record keeping, and case processing procedures. It provides reports, documents, data analysis and assistance to the Legislative and Executive branches on court related matters. Court Administration is also responsible for the state criminal docket report (CDR) codes that are utilized throughout the state criminal justice process by the criminal justice agencies within South Carolina. The office

conducts legal education programs for judicial personnel at all levels of court in the state, including coordinating the annual Judicial Conference. In addition, Court Administration staffs several advisory committees that were established to provide advice and recommendations on improving the administration of the judicial system.

Finance and Personnel

The Office of Finance and Personnel is responsible for the Judicial Department's internal fiscal operations. In addition to budgetary management, Finance and Personnel is responsible for all personnel matters, payroll and purchasing for the Judicial Department.

Office of Information Technology

The Office of Information Technology (IT) continues to oversee and direct the implementation of the statewide Strategic Technology Plan to modernize the Judicial Branch. IT provides technology tools to support and enhance the daily court operations of the Judicial Department. Network infrastructures and Internet connectivity in the judicial facilities across the state, online Web services, and the deployment of the statewide court case management system are the primary focus areas of the Judicial Department IT. IT also provides technology support and training as well as hardware, office automation, information security, e-mail, and electronic legal research software. IT continues to investigate advancements in technology such as imaging, electronic signatures, and electronic document certifications to determine their feasibility within everyday court operations.

County Clerks of Court

Clerks of Court are popularly elected in each county to four-year terms. By state statute, the clerk of court is the official record keeper for court records filed in each county. The clerk of court staff is the local liaison for the processing and handling of court files for judges, attorneys, and the public. They also respond to requests for records from federal, state, and local agencies. In addition to their other duties, clerks of court collect and disburse court-ordered child support payments, issue Rules to Show Cause in cases where court orders have not been followed, and file all court orders, including orders of protection from domestic abuse. Some clerks of court also serve as the county register of deeds. Registers of Deeds are responsible for recording all property transactions and maintaining these records.

SECTION III

ELEMENTS OF MALCOLM BALDRIGE AWARD CRITERIA

CATEGORY 1 – LEADERSHIP

- 1. How do senior leaders set, deploy and ensure two-way communications for: a) short and long term direction, b) performance expectations, c) organizational values, d) empowerment and innovation, e) organizational and employee learning, and f) ethical behavior?**

a) Short and longer term direction. The State Constitution establishes the Chief Justice as the administrative head of the unified judicial system. She is supported by the other members of the Supreme Court and her Executive Team and sets short- and long-term policies for the Judicial Branch. The Executive Team is composed of the Director of Court Administration, Clerk of the Supreme Court, Clerk of the Court of Appeals, Disciplinary Counsel, Director of Information Technology, Director of the Office of Finance and Personnel, and Counsel to the Chief Justice. The Executive Team holds monthly meetings to discuss progress and obstacles to achieving Judicial Branch objectives. These meetings also include a periodic review of the Accountability Report goals. In this manner, the Executive Team has been able to remain focused on achieving the primary goals and objectives of the Judicial Department without diverting too much attention to the numerous everyday distractions that surface and vie for the limited time and resources of the organization. The Chief Justice meets with the Executive Team when necessary and calls meetings when critical issues need to be addressed.

The Chief Justice is involved in a hands-on capacity in many of the initiatives of the Judicial Department, which requires her to work with the individuals on the Executive Team and staff on a daily basis. The Judicial Department holds staff meetings with the judicial personnel in the Supreme Court and Calhoun buildings throughout the year, which are hosted by the Chief Justice. These staff meetings are informative, promote development of working relationships among personnel from the various divisions, and help foster teamwork among employees .

The Chief Justice and members of the Executive Team participate in meetings and conferences that are held across the state at various times throughout the year. These presentations and discussions enable the direction of the Judicial Department to be readily communicated in person to judges, court reporters, clerks of court, the South Carolina Bar Association, South Carolina Trial Lawyers Association, South Carolina Defense Trial Attorneys Association and other participants in the unified judicial system including SLED, DPS, SCDC, DPPP, Solicitors, and Public Defenders.

Through her annual State of the Judiciary address to the General Assembly, the Chief Justice summarizes the status, progress, and initiatives (both current and visionary) of the Judicial Department. This speech outlines the direction that the Judicial Branch is taking. This presentation, held every year, is broadcast live and archived on the Judicial Department Web site.

b) Performance expectations. Performance expectations of the Judicial Department are now established through several different means. The Judiciary has guidelines and there are laws set forth by the federal government with regard to case types and timeframes, which impact the Judicial Department. State legislation and guidelines are established in accordance with these federal rules.

The increased emphasis on homeland security is putting further scrutiny on the performance of the Judicial Department.

The Judicial Department deploys and communicates performance expectations through a combination of reports and presentations. The caseloads of the Circuit and Family Courts are reported and aggregated by Court Administration on a monthly basis. Training is conducted for all Clerks of Court and Chief Administrative Judges on the review and analysis of these reports, which now are only available electronically. Having the Chief Administrative Judges, Clerks of Court, and Court Administration reviewing these reports on a monthly basis continues to improve the accuracy of the reports and, in many cases, has reduced the backlog because of the heightened awareness of the needs of particular courts.

For the past several years, a colored map of the counties in the state has been used to visually illustrate counties with reliable, high-speed network and Internet connectivity and those without it. This map is called the “Go for the Gold” map. Leaders in many of the counties without the connectivity have begun to get the local communities involved to acquire the connectivity so that their county can begin to be discussed at the statewide meetings as a “can do” county instead of one still hoping. These types of tools have begun to create peer pressure because peers are viewing, assisting each other, and helping to increase productivity just by increasing the awareness of the situations.

c) Organizational values. The values of the Judicial Branch, as described in the Executive Summary, have evolved through time and tradition. Values are communicated and taught by the Chief Justice and members of her Executive Team primarily through the performance of daily work activities, which range from face-to-face contact with staff, customers, and stakeholders to deciding cases, disciplining lawyers and judges to protect the public, and participating in conferences and meetings of Judicial Branch entities.

d) Empowerment and innovation. The empowerment and innovation within the Judicial Branch must occur within the constraints established by the law since the role of the judiciary is to interpret the law. In accordance with these constraints, individual creativity is encouraged through the performance of individual jobs and working with other team members. Senior leaders within the Judicial Department are working managers integral to case and project teams.

e) Organizational and employee learning. The Judicial Department provides training for newly elected circuit and family court judges and county clerks of court. A two-week orientation school is provided for all newly appointed summary court judges. A mandatory annual Judicial Conference is held for all appellate, circuit and family court judges, masters-in-equity, law clerks and staff attorneys. Magistrates are required to attend annual meetings for continuing education purposes. In addition, the Office of Disciplinary Counsel provides an orientation program for all attorneys employed or appointed to work on disciplinary matters. All employees participate in technology training, which focuses on applications used by the Judicial Branch both at the state and county level.

Department attorneys also must comply with annual continuing legal education (CLE) requirements. The Judicial Department continues to conduct monthly one-hour CLE programs in Columbia for the

Judicial Department lawyers. These CLEs focus not only on topics that enhance performance of the lawyers in the department but also on topics that broaden the lawyer's general knowledge of the law. Non-attorney staff members in Court Administration are also participating in the monthly one-hour CLEs.

Grant and scholarship opportunities are sought to provide continuing judicial education on substantive topics for family, circuit, probate and summary court judges. Within the constraints of the budget, circuit and family court judges attend the National Judicial College in Reno, Nevada, which provides intensive training. Appellate judges take courses at the Institute of Judicial Administration at NYU and attend educational and professional seminars and conferences. Senior staff attorneys attend national conferences, as do the clerks of the appellate courts. Furthermore, the Judicial Department has sent a team to the last five National Center for State Courts Court Technology Conferences, both as participants and speakers. At the 2003 Court Technology Conference (CTC8) held in Kansas City in October 2003, the Chief Justice was a keynote speaker.

As finances permit, staff personnel attend professional education courses. In order to remain current in some of the most integral technologies used at the Judicial Department, IT staff has participated in national training workshops during the course of the year. In addition, the Judicial Department allows employees to arrange their work schedules to take courses that will enhance relevant professional skills. As a result, several judges are pursuing Master degrees in programs such as Judicial Studies and Bilingual Legal Interpretation.

f) Ethical behavior. The *Code of Judicial Conduct*, the *Rules of Professional Conduct*, the *Code of Conduct for Staff Attorneys and Law Clerks*, and the *Rules on Political Activity for Judicial Department Employees and Officers* were all adopted by the Supreme Court after soliciting and receiving comments from the legal community, the general public, and staff. All new employees are provided with training on ethical behavior, and ethics training is always included in seminars attended by judges and lawyers. Senior leaders monitor ethical behavior of their staff, and the Office of Disciplinary Counsel oversees the ethical behavior of all lawyers and judges within the Judicial Branch under the guidelines promulgated by the Supreme Court in the *Rules for Lawyer and Judicial Disciplinary Enforcement*.

2. How do senior leaders establish and promote a focus on customers and other stakeholders?

The Judicial Department focuses on its customers and stakeholders through participation in meetings and conferences held by all entities associated with the Judicial Branch.

- The Chief Justice and her Executive Team participate in a full range of meetings and conferences from the annual statewide judicial conference to county council meetings.
- Staff members attend legislative hearings to learn the concerns of legislators and the public that may affect the Judicial Branch.
- Input from members of the South Carolina Bar is obtained from regular meetings with the Bar's leadership and attendance at the South Carolina Bar's Annual Meeting.

From the clerk of court counters to judges' chambers to the Web site, everyone within the Judicial Department interacts with customers and stakeholders on a daily basis.

3. How do senior leaders maintain fiscal, legal, and regulatory accountability?

The Office of Finance and Personnel, through requests from senior leaders and directives from the Chief Justice, is responsible for ensuring that the Judicial Department is utilizing its resources in a fiscally responsible way. The Judicial Department, as the Branch of government responsible for ensuring that legal issues and regulatory requirements are followed by the other branches of government, is constantly aware of its responsibility to ensure that all legal requirements and regulations that impact the Judicial Department are enforced. As part of the monthly Executive Team meetings, the Directors review the status of the Judicial Department with regards to fiscal, legal, and regulatory accountability. When changes are made by the legislature or by agencies that may affect the Judicial Department, these changes are immediately communicated not only to senior leaders, but to all participants in the Judicial Branch and may result in changes to Court Rules and procedures.

4. What key performance measures are regularly reviewed by your senior leaders?

The mission of the Judicial Branch is the fair and timely resolution of disputes. Therefore, case processing is the critical performance measure that is regularly reviewed as follows:

- The Supreme Court meets bi-monthly to review outstanding cases.
- The Court of Appeals meets monthly to review outstanding cases.
- Court Administration reviews the caseloads of each circuit, family and probate court on a monthly basis and conducts periodic audits of local case records.
- Court Administration reviews the caseloads of each magistrate and municipal court on an annual basis.
- Court Administration monitors court reporter transcript productivity on a monthly basis.
- The Chief Justice reviews a report on outstanding orders of each circuit and family court judge on a monthly basis.

Technology support and infrastructure performance required to keep the Judicial Department operating both efficiently and effectively are reviewed through system logs and division and team staff meetings.

5. How do senior leaders use organizational performance review findings and employee feedback to improve their own leadership effectiveness and the effectiveness of management throughout the organization?

In as much as the senior leaders within the Judicial Department are working managers integral to case and project teams, findings and feedback are constantly received by the Executive Team from staff, customers, and stakeholders. BearingPoint, the systems integrator for the Judicial Department, requires its leadership to participate in leadership training directed towards improving the management of organizations and communicates key components of this training to the Executive Team for use within the Judicial Branch.

6. How does the organization address the current and potential impact on the public of its products, programs, services, facilities and operations, including associated risks?

As discussed in **Section III Category 6 –Process Management**, the Judicial Department identifies those individuals and groups affected by the Judicial Branch’s operations and solicits their advice when addressing changes to the Judicial Branch’s operations. The Clerks of Court Advisory Board, Judges Associations, and Judges Advisory Committees are examples of judicial committees established to provide guidance, generate new ideas, and assess impact to judicial personnel and the

public. Input, in the form of requests for comments and public hearings, is also actively sought prior to changes being made in court rules and operations. Proposed changes to court rules are posted on the “What’s New” page of the Judicial Department’s Web site. Also, the South Carolina Bar currently provides an “E-Blast,” free of charge to subscribers, which sends out a weekly electronic message detailing proposed changes to court rules and operations in the Judicial Branch, assisting the Judicial Department in disseminating this information.

7. How does senior leadership set and communicate key organizational priorities for improvement?

The Chief Justice and her Executive Team are constantly reviewing and monitoring the current projects, initiatives, workloads, and resource assignments of the judicial organization as well as requests from customers and stakeholders. Through staff meetings, project team meetings, Executive Team meetings, and board and committee meetings, these items are evaluated against the vision and mission of the Judicial Department. These assessments are then used to adjust organizational priorities as necessary. Through the collaborative teams and numerous speaking engagements of the Chief Justice and Executive Team, Judicial Department priorities are constantly being communicated.

8. How does senior leadership actively support and strengthen the community? How are areas of emphasis identified?

The *Code of Judicial Conduct* restricts judges’ participation in extra-judicial activities which may cast reasonable doubt on the judge’s capacity to act impartially as a judge, demean the judicial office, or interfere with the proper performance of judicial activities. However, these restrictions have not limited judges’ participation in community activities. Many judges are active in church and religious organizations, serving as members, officers, sponsors and youth sports coaches. Several judges actively serve our country through participation in the United States military. In the past year, four judges were deployed to active duty in the Middle East as part of the war on terrorism. Historic preservation is high on the community service list of several of our judges who have introduced and, in several instances, sponsored initiatives to restore historic buildings and sites. Education is also very important to judges. Many are members of alumni associations, education committees, and mentor programs. In addition, they participate in mock trials, seminars, lectures, and small productions at local community theaters. In recognition of their efforts, judges have been honored as Citizen of the Year in their communities, and several have received the state’s highest civilian honor – The Order of the Palmetto.

Likewise, the *Code of Conduct for Staff Attorneys and Law Clerks* restricts the activities of Judicial Department attorneys. Within these confines, the senior leadership has actively supported and strengthened the community by supporting Harvest Hope and United Way, and staff members have participated in the Families Helping Families Christmas project. Senior leaders are also sensitive to the needs of parents to attend children’s school-related activities and allow flexibility in scheduling lunch and breaks to permit attendance. In addition, staff members who are lawyers are encouraged to strengthen the legal community by lecturing at continuing legal education seminars and teaching legal writing and research courses at the University of South Carolina School of Law.

Through the technology initiatives of the Judicial Department, county networks are being established in rural areas that never before utilized the Internet nor had access to it. Furthermore, a program has been successfully established to allow junior and senior high school students to actively participate

in selected Supreme Court cases. Use of the Internet, combined with attendance at oral arguments in the Supreme Court, is strengthening the awareness and knowledge of the local community of court operations. The Chief Justice and her Executive Team are constantly reviewing and monitoring the current projects, initiatives, workloads, and resource assignments of the judicial organization as well as requests from customers and stakeholders. Through staff meetings, project team meetings, Executive Team meetings, and board and committee meetings, these items are evaluated against the vision and mission of the Judicial Department. These assessments are then used to adjust organizational priorities as necessary. Through the collaborative teams and numerous speaking engagements of the Chief Justice and Executive Team, Judicial Department priorities are constantly being communicated.

CATEGORY 2 – STRATEGIC PLANNING

The Judicial Department conducted a detailed, in-depth strategic planning project focused upon the technology infrastructure of the South Carolina Courts from June to December 2000. This strategic technology plan and the primary technology initiatives identified in this plan began serving as the foundational strategy for the Department in January 2001 and continues to do so today. This plan constitutes a “living” document providing direction while constantly being adjusted to meet changing needs and evolving requirements. The execution of these technology initiatives and their results, combined with the changes in state law, are currently driving the needs, expectations, and changes in all divisions of the Judicial Branch, not only in technology.

1. What is your Strategic Planning process, including KEY participants, and how does it account for:

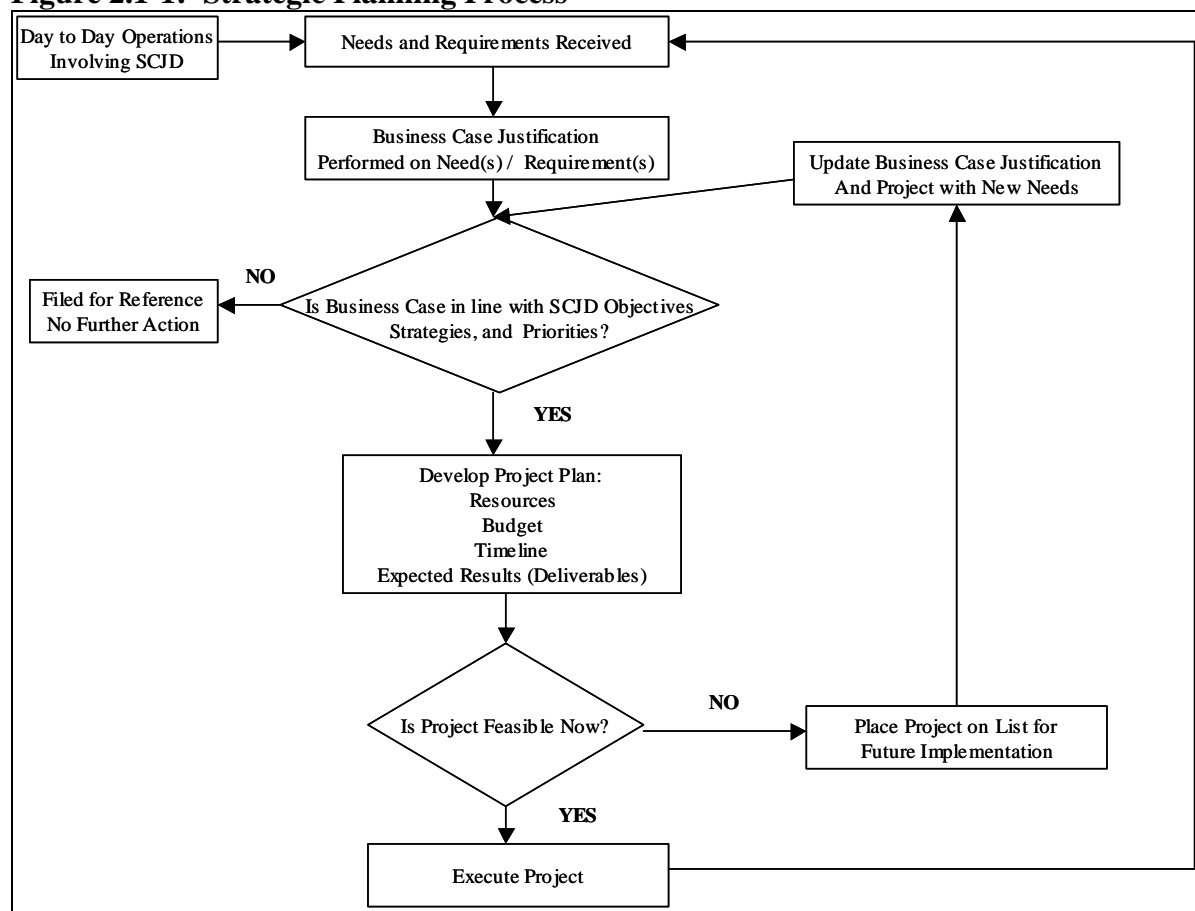
- **Customer needs and expectations**
- **Financial, regulatory, societal and other potential risks**
- **Human resource capabilities and needs**
- **Operational capabilities and needs**
- **Supplies/contractor/partner capabilities and needs**

The principles, concepts and techniques employed in the technology initiatives flow over into other functions of the Judicial Department, not least because all divisions and personnel within the Judicial Department have been impacted by and are incorporating the benefits of the technology initiatives. More significantly, however, Judicial Department strategic planning for technology has resulted in the development of a cluster of organizational tools applicable to strategic planning in other areas. Divisions within the Judicial Department have recognized the benefits gained by using the strategic planning process as illustrated in Figure 2.1-1 to respond flexibly to customer needs and expectations and to improve traditional processes. This planning is carried out in both standing and ad hoc groups and may also include judges, law clerks, and staff attorneys as well as other entities within the Judicial Branch.

Anyone involved with the Judicial Branch can submit needs, requirements and a business-case justification. The Executive Team determines whether a project is implemented.

Work with suppliers/contractors/partners is planned, procured, and implemented under the guidance and resources of the Procurement Office within the Office of the Chief Information Officer under the Budget and Control Board.

Figure 2.1-1: Strategic Planning Process



The Judicial Department performs strategic planning throughout the year. It is viewed as an ongoing process, not an exercise performed just once a year. The South Carolina Code of Laws, published opinions of the Supreme Court and the Court of Appeals, and the Department's strategic technology plan serve as the guiding documents for strategic planning decisions.

2. What are your key strategic objectives? (Address in Strategic Planning Chart)

The Judicial Department strives towards fulfilling the following strategic objectives:

- Reliable and fair court proceedings in accordance with due process
- Modernization of the South Carolina courts through the incorporation of technology
- Collaboration with appropriate federal, state and local entities
- Leadership in the criminal justice arena

The Strategic Planning Chart is included as Figure 2.4-1.

3. How do you develop and track action plans that address your key strategic objectives?

Action plans are developed and tracked through the review of three primary factors: results/deliverables, timeframes, and resources. For example,

- Justices of the Supreme Court meet on a bi-monthly basis to review outstanding cases awaiting decision. The Clerk of the Supreme Court, along with the Chief Justice, reviews cases awaiting oral argument monthly to determine how many and which cases will be scheduled for oral argument in the next month and adjusts the Court's schedule as necessary.
- The Chief Staff Attorney's office at the Supreme Court reviews incoming matters on a daily basis to determine which may need immediate action and reviews cases and caseloads on a weekly and bi-weekly basis in accordance with the Supreme Court's court schedule. Matters needing immediate attention are assigned to senior staff attorneys to be processed accordingly. Incoming disciplinary matters are also reviewed on a daily basis by the Deputy Clerk of Court in the Bar Admissions office to determine whether the matter needs the immediate attention of the Chief Justice.
- The Clerk of the Court of Appeals tracks the length of time a mature case needs to come before a panel for decision and reports to the Chief Judge, who determines the steps required for any adjustment in scheduling cases for oral argument or submission without argument.
- Technology projects are tracked through project plans that identify tasks, timelines, deliverables, and resources. These project plans are reviewed with the project team on a weekly or bi-weekly basis, depending upon the priority, scope and magnitude of the project. Information Technology (IT) Managers submit weekly status reports to the IT Director on efforts in specific areas, including call center, Web site, networking, applications development, systems integration, and statewide court case management system.
- The Commissions on Judicial and Lawyer Conduct examine quarterly statistics permitting adjustments in resource allocation. Additionally, the Deputy Disciplinary Counsel reviews incoming complaints on a daily basis to determine those needing priority action.
- The monthly caseload reports from each of the counties are used to develop and track action plans to meet the Judicial Department's goal to process trial court cases efficiently and fairly. The Office of Court Administration reviews the monthly caseload reports and requests for new/additional terms of court from each county. These reviews enable resources to be allocated/reallocated by adjusting trial court schedules based upon current caseloads and case complexities in conjunction with the availability of Judicial Department resources, including judges, court facilities, and court reporters as well as monetary resources available for travel expenses.
- The Chief Justice reviews a monthly outstanding order report on each circuit and family court to ensure orders are issued in a timely manner.

4. What are your key action plans/initiatives? (Address in Strategic Planning Chart)

The Strategic Planning Chart is included as Figure 2.4-1.

Figure 2.4-1: SCJD Strategic Planning Chart

Strategic Planning

Program Number and Title	Supported Agency Strategic Planning Goal/Objective	Related FY 04-05 Key Agency Action Plan/Initiative(s)	Key Cross References for Performance Measures*
Supreme Court	+ Reliable and fair court proceedings in accordance with due process + Modernization of the SC Courts through the incorporation of technology + Collaboration with appropriate federal, state, and local entities + Leadership in the criminal justice arena	* Resolve cases in accordance with the national benchmarks established for appellate cases * Improve the triage system within ODC * Expand the "Class Action" judicial education program for junior and senior high-school students to make it available over the Internet * Revise record retention schedules and get approval from State Archives to only have digital images as the Court's record	* Caseload results * Caseload results * # of students participating in-person and via the web * State Archival approval
Court of Appeals	+ Reliable and fair court proceedings in accordance with due process	* Resolve cases in accordance with the national benchmarks established for appellate cases * Revise record retention schedules and get approval from State Archives to only have digital images as the Court's record	* Caseload results * State Archival approval
Circuit Court	+ Reliable and fair court proceedings in accordance with due process + Leadership in the criminal justice arena	* Resolve cases in accordance with the national benchmarks established for trial court cases * Chief Justice Blue Ribbon Task Force	* Caseload results * Internal publication
Family Court	+ Reliable and fair court proceedings in accordance with due process + Leadership in the criminal justice arena	* Resolve cases in accordance with the national benchmarks established for trial court cases * Chief Justice Blue Ribbon Task Force	* Caseload results * Internal publication
Information Technology	+ Modernization of the SC Courts through the incorporation of technology + Collaboration with appropriate federal, state, and local entities + Leadership in the criminal justice arena	* Establish reliable, high-speed Internet connectivity in Magistrate facilities * Deploy statewide court CMS * Develop online bar admissions application and tracking system * Increase services provided by SCJD Web site * Develop a direct, near real-time, electronic interface with South Carolina Law Enforcement Division (SLED)	* # of judicial personnel still needing connectivity * % of state caseload managed and population covered by CMS * % of applications received electronically * # of hits to Web site * # of transactions exchanged electronically between agencies
Court Administration	+ Collaboration with appropriate federal, state, and local entities + Leadership in the criminal justice arena	* Develop a Code of Conduct for all employees of the Judicial Department * Develop a Code of Conduct for County Clerks of Court * Develop a training video for Family Court Judges regarding the impact of the judicial system and judicial decisions on the life of children caught in situations of child abuse and neglect. Use this video as a basis for training of Family Court Judges	* # of employees trained on new Code of Conduct * # of Clerks of Court trained on new Code of Conduct * % of Family Court Judges trained

5. How do you communicate and deploy your strategic objectives, action plans and performance measures?

Many diverse entities, ranging from the public, attorneys and other state agencies to Judicial Department employees and other participants in the Judicial Branch, need to stay up to date on the strategic objectives, action plans and performance measures of the Judicial Department. To accommodate these various entities, a wide variety of communications channels are used to disseminate this important information. The communications mechanisms currently being used by the Judicial Department include the following:

- Judicial Department Web site postings – www.sccourts.org
- South Carolina Advance Sheets
- Speeches and presentations at conferences and meetings
- E-mail
- Hardcopy letters through FAX and US Mail
- Press releases
- Monthly report distribution through the Judicial Department Intranet and on CD-ROMs
- Task force and project team meetings
- Surveys
- Evaluations
- Training

6. If the agency's strategic plan is available to the public through the agency's Internet homepage, please provide an address for that plan on the Web site.

The Web site address for the Judicial Department is www.sccourts.org. The strategic technology plan is available at www.sccourts.org/judauto/stratplan.cfm. The Judicial Department strategic plan is not currently available on the Web site.

CATEGORY 3 – CUSTOMER FOCUS

1. How do you determine who your customers are and what their key requirements are?

Key customers and stakeholders of the Judicial Department comprise those who use its services, experience the effects of its actions, and respond to its decisions. These key customers are ranked from the most particular to the most general:

- a. Litigants and counsel. Individuals and entities that come before the tribunals of this state, either *pro se* or through counsel, form the most obvious, immediate and intensely engaged group of stakeholders. For this group, the process of justice and its outcome have an undiluted, highly focused impact. This group makes contact with the court through formal filings. The rules of procedure for the various levels of court determine the requirements of this group, and rules are amended based on requests from Judicial Department staff, litigants, attorneys representing litigants, and other participants in the Judicial Branch.
- b. Grievants. This group includes those who contact the Office of Disciplinary to Counsel to lodge a complaint concerning a judge or a lawyer. This group makes contact by telephone or in writing. By reviewing and considering all contacts, requirements are regularly reassessed. Again, requirements are set and amended by rules of procedure.
- c. Non-litigants participating in court proceedings. This group includes witnesses, jurors, and those who participate indirectly in court proceedings as support personnel or advocates. The court summons jurors, and witnesses may appear voluntarily, but they may also be required to appear by being subpoenaed by the court or a litigant. The General Assembly sets the requirements for non-litigants' participation in court proceedings, and the Judicial Department offers assistance to the General Assembly in assessing these participants' concerns and possible solutions.
- d. Judges, clerks and staff at the locally-funded level. This group includes masters-in-equity, probate judges, magistrates, municipal court judges, clerks of court, and staffs of the counties and municipalities. County and municipal court personnel actively participate in the Judicial Department task forces, joint project teams, and day-to-day administration activities. Requirements are initially set through procedure manuals, benchbooks, and rules of procedure. Refinements, enhancements, and changes are made through these customers' and stakeholders' participation with the Judicial Department.
- e. Members of the South Carolina Bar. South Carolina requires all attorneys admitted to practice in South Carolina be members of the Bar. This group expresses its requirements by letter, telephone or personal visit. The Bar leadership meets regularly with the

- Supreme Court to express the concerns and needs of its members. The requirements of the Bar to have an available forum for dispute resolution and to have rules of procedure which are uniform throughout the State are expressed in its Constitution and By-laws and in proposed rules of procedure for trial and appellate courts, which are recommended by vote of the Bar membership, rejected or adopted by the Supreme Court, usually after a period for public comment, and where necessary, submitted to the General Assembly for consideration.
- f. Applicants. This group includes applicants to be admitted to practice law in South Carolina, applicants to be readmitted to practice law, applicants to be lead counsel in capital cases, out-of-state attorneys who wish to appear as counsel in South Carolina courts, and applicants seeking approval of required trial experiences under Rule 403. This group makes requirements known by letter, telephone call, or personal visit. This group generally requires assistance in completing the application process. Through these contacts, the Judicial Department makes amendments to applicable rules and has made resources available on the Judicial Department Web site.
 - g. Media. The media includes print, television, radio, and groups with newsletters and Web sites. The Judicial Department issues press releases concerning matters of particular public interest and contacts media who have asked to be contacted when a particular case is decided or when an Administrative Order of particular significance is issued. The Judicial Department Web site includes current events-type information on the “What’s New” Web page. The Web site also provides the media and public with a summary of the issues included in cases to be argued before the Supreme Court and Court of Appeals. Once a case has been decided in these courts, a synopsis of the opinion is also made available on the Web site. All published and unpublished opinions of the Supreme Court and the Court of Appeals are now posted on the Web site. Published opinions are printed in paper format and mailed to subscribers of the South Carolina Advance Sheets.
 - h. General public. This group includes everyone who has an interest in the Judicial Branch for information or access to public documents. The status of the Judicial Department as one of the three co-equal branches of government in South Carolina establishes the general public as a stakeholder. The Judicial Department reassesses the general public’s requirements through attending legislative hearings and meetings with other participants in the Judicial Branch. Changes to rules of procedure are then proposed and after input is received, they are either adopted or rejected. Questions, including requests for information, are received and addressed by Court Administration on an individual basis as they are received.

2. How do you keep your listening and learning methods current with changing customer/business needs?

The Judicial Department focuses on its customers through participation in meetings and conferences held by all entities associated with the Judicial Branch.

- The Chief Justice and her Executive Team participate in a full range of meetings and conferences from the annual statewide judicial conference to county council meetings.

- Staff members attend legislative hearings to learn the concerns of legislators and the public that may affect the Judicial Branch and to provide input when requested.
- Input from members of the South Carolina Bar is obtained from regular meetings with the Bar's leadership and attendance at the South Carolina Bar's Annual Meeting.
- The Judicial Department receives information from numerous groups and individuals such as the South Carolina Bar, the Judicial Council, and the Ad Hoc Committee on the Rules of Civil Procedure regarding changes that might be made to improve the Judicial Branch.

3. How do you use information from customers/stakeholders to keep services or programs relevant and provide for continuous improvement?

During staff meetings and Executive Team meetings, information from customers and stakeholders is evaluated, and experiences are compared to determine what improvements are needed and whether they can be made with current resources. Divisions regularly review procedures in response to customer and stakeholder comments and make revisions when customer input indicates the need for change. The strategic planning process described in **Section III Category 2- Strategic Planning** is used to assess information received from customers and stakeholders to improve services and programs throughout the Judicial Branch. Where major changes in process or programs appear necessary, a business-case justification is developed and the Executive Team, with the concurrence of the Chief Justice, will then propose changes that are implemented after input from Judicial Branch customers and stakeholders.

4. How do you measure customer/stakeholder satisfaction?

Processing cases in a timely and fair manner is currently the primary indicator of customer and stakeholder satisfaction. However, direct contact from customers and stakeholders, media reports, and information acquired through staff attendance at Legislative hearings on issues involving the Judicial Branch are also considered in determining customer and stakeholder satisfaction.

The Judicial Branch strives to resolve disputes in a fair and efficient manner. Because of the nature of the business of the courts, one side of the dispute may be dissatisfied with the result. Because of this fact, the Judicial Department recognizes that its customers and stakeholders may have different opinions as to what constitutes disposing of cases without "undue delay" and in a "fair manner." Litigants may wish cases to be processed faster than lawyers who file requests for continuances and extensions. The rules of procedure for the trial courts, the orders appointing Chief Judges for Administrative Purposes in the trial courts, and policies adopted by the appellate courts address the divergent opinions as to how a case is resolved efficiently and accordingly to law.

5. How do you build positive relationships with customers and stakeholders?

Positive relationships with the Judicial Department rest upon the trust and faith that customers and stakeholders have in the Judicial Department carrying out its mission. This faith and trust is earned by having competent, ethical, and dependable personnel working directly with and communicating with customers and stakeholders. Judicial Department employees treat all customers and stakeholders equally, from individuals handling their own cases to highly respected members of the Bar. All phone calls are returned promptly, correspondence is routed to the appropriate division within the department, and customers and stakeholders are given assistance consistent with the *Rules of Professional Conduct* and the *Rules of Judicial Conduct*.

CATEGORY 4 – MEASUREMENT, ANALYSIS, AND KNOWLEDGE MANAGEMENT

1. How do you decide which operations, processes and systems to measure for tracking financial and operational performance?

Staff constantly monitors the interests of the Judicial Department's two key suppliers, the Legislative Branch and the Executive Branch. Legislation and Executive Branch activities are monitored for financial impact because they establish financial and operational priorities for the Judicial Department.

Inquiries about operations, processes, and systems from customers and stakeholders spur measurement in particular areas. For example, the media may inquire about the number of a particular type of case disposed over a specific period of time, filed/disposed cases in specific geographical locations, or conviction rates for specific demographic subsets of the population. The Judicial Department staff also works closely with numerous committees of the Legislature, when requested, regarding the impact of potential legislation on the Judicial Department's resources, customers, and stakeholders. Additional inquiries from customers and stakeholders alert the Judicial Department that there is interest in a particular measurement and prompts the Judicial Department to track activity in various areas within the Judicial Department's responsibilities.

2. What are your key measures?

The universal standard "unit of work" for the courts is a case. Caseload statistics are tracked by judicial circuit, county, and court type. Results are reported in **Section III Category 7 – Business Results**.

3. How do you ensure data integrity, timeliness, security, and availability for decision making?

Historically, the Judicial Department has conducted manual audits of individual court records to ensure the accuracy, timeliness and integrity of caseload data reported to Court Administration from the state and local courts. The Judicial Department is currently in the process of transitioning many of its paper-based reporting mechanisms to automated systems that make the reporting easier, but more importantly, more accurate and timely. Automated reports and automated comparisons are now done to perform data quality and completeness checks in family court and circuit court. These reports are generated and distributed monthly. Follow-up phone calls are conducted with counties on an as-needed basis when these reviews indicate possible errors or problems. The appellate caseload reports are reported monthly; however, the ability to generate these reports at any time on an as-needed basis is possible with the Appellate Case Management System. The appellate clerks of court and staff attorneys check these reports for accuracy. The Judicial Department's IT Division has worked to ensure a secure environment exists for receiving, generating and distributing data. The security of the system is monitored by IT and if security problems are found, they are resolved as a priority matter.

4. How do you use data/information analysis to provide effective support for decision making?

Executive Team members and managers use Judicial Department court rosters and caseload reports to determine resource allocations and tasks. Ideas received from judges, clerks, and staff to improve operations and access to information provide the catalyst for deciding why and how different judicial operations become automated. This automation provides more timely, complete, and accurate

information used by judges and judicial management for effective decision making. Additionally, as a member of the National Center for State Courts (NCSC), the Judicial Department extensively utilizes NCSC data to determine trends, projections, and comparisons with other states to set priorities for analyzing the best use of Judicial Department resources. Results are reported in **Section III Category 7 – Business Results.**

5. How do you select and use comparative data and information?

The Judicial Department selects comparative data by reference to its records from previous years. The caseload and output figures of previous years are used as guideposts in estimating requirements. For example, historical comparative data is useful in estimating the number of terms of courts needed to dispose of similar pending caseloads.

Together, the courts and law enforcement identify criminal trends through court and law enforcement (SLED and DPS) statistics. These trends provide focus for the criminal justice agencies and the Judicial Branch to meet the current needs of the public. For example, since the 1990s, criminal domestic violence, gang activities, and highway safety have emerged as primary focus areas requiring attention and resources to be increased and reallocated.

6. How do you manage organizational knowledge to accomplish the collection and transfer and maintenance of accumulated employee knowledge, and identification and sharing of best practices?

Traditionally, the Judicial Department has utilized cross training of employees to ensure employee knowledge of Judicial Department processes is preserved as much as possible. Other measures are also being employed. The Judicial Department is currently working to establish an easily accessible database of orders and directives issued by the Supreme Court and the Chief Justice in her administrative capacity in order to further improve the transfer of organizational knowledge. In addition, projects are underway, such as detailing the process for the circulation of opinions by the Justices of the Supreme Court, to ensure that as the membership of the Court and its staff changes, procedures can be easily communicated. The Executive Team, working together with the Chief Justice and BearingPoint, the Judicial Department's system integrator, identifies best practices and the most efficient way to share these practices within the various offices and divisions of the Judicial Department and with the Judicial Branch as a whole.

CATEGORY 5 – HUMAN RESOURCES

1. How do you and your managers/supervisors encourage and motivate employees (formally and/or informally) to develop and utilize their full potential?

The Judicial Department recognizes the need to develop and maintain a diversified work force of professional employees. Employees are provided with the means to obtain professional development, career progression and personal growth as described in **Section III Category 1.1.e.** Employees are encouraged to work both independently on projects as well as part of team efforts, allowing each individual to determine the means necessary to complete the work assigned.

Through the leadership of the Chief Justice, the Department was able to avoid employee furloughs and layoffs. In addition, employee recognition awards were re-established with a ceremony recognizing years of government service. The Judicial Department maintains its conviction that

outstanding job performance should be recognized through in-position increases and by using the flexibility provided us by the Legislature to redefine job positions and responsibilities. This ability to react to employee and Department needs is demonstrated through the low employee turnover statistics reported in **Section III Category 7 – Business Results.**

2. How do you identify and address key developmental and training needs, including job skills training, performance excellence training, diversity training, management/leadership development, new employee orientation and safety training?

Through participation at national conferences, members of the Executive Team interact with court officials nationwide. These meetings provide the Judicial Department with lessons learned, best practices and other valuable information as to how other courts address issues, including personnel development and training needs, within their own jurisdictions.

The staff and executives in each of the eight levels of court within the Judicial Branch meet regularly. There are separate organizations for most of the groups involved at each level of the court system. For example, there is a court reporters organization, a clerks of court organization as well as professional associations representing counties, municipalities and various interest groups that are active participants in the court system. Judicial Department staff and management solicit input from these groups and meet with them on a regular basis. These meetings provide a forum for education and the exchange of ideas and information pertinent to the group. The Chief Justice also hosts an annual statewide judicial conference for the appellate justices and judges, trial court judges, law clerks and affiliated staff personnel for skills updating and education. In addition, the Judicial Department continues its program of monthly one-hour CLEs for department lawyers. These CLEs focus not only on topics that enhance performance of the lawyers in the department but also on topics that broaden the lawyer's general knowledge of the law. This year, non-attorney staff members also began participating in the monthly one-hour CLEs. Furthermore, the Office of Finance and Personnel staff receives annual training in areas such as accounting, budgeting, procurement, benefits administration and human resources. To assure relevance and cost efficiency, most of this training is through state organizations or state-sponsored organizations.

The Judicial Department continues to participate in the South Carolina Executive Institute.

With the Judicial Department's current emphasis on improvement through automation, much training is made necessary through these technology innovations. Formal technology training is provided both in Columbia and regional locations across the state for new hires and existing employees. This training begins when new employees receive their computer equipment and continues throughout the year with training in desktop applications such as word processing, spreadsheets, case management, legal research, and other specialized Judicial Department applications. Ongoing enhancements include online notification to employees on insurance updates, equal employment requirements, and opportunities to effect changes in their working status. The Information Technology staff itself receives specific technology training at national workshops.

Safety training for Judicial Department employees in the Supreme Court and Court of Appeals is discussed in Section III, Category 5.5. This year, the Judicial Department will work to ensure that all courts within the Judicial Branch have evacuation and safety training plans.

3. How does your employee performance management system, including feedback to and from employees, support high performance?

The Judicial Department is organized internally in such a manner that staff interacts with Executive Team members on a daily basis. This interaction enables staff to remain energized with the vision and direction from Judicial Department leadership while, at the same time, Judicial Department leadership gains insight and awareness of staff morale and motivations on a near daily basis.

The Judicial Department considers each justice, judge, and director, with their staff, as a semi-autonomous work group. With more than 100 work groups, the Judicial Department has empowered each justice, judge, and director to evaluate their immediate staff regarding job performance.

The Judicial Department has an open-door policy throughout the organization. Employees are encouraged to meet with their supervisors or with the Offices of Court Administration, Finance and Personnel and/or Information Technology to resolve problems and/or improve the performance of the Judicial Branch.

4. What formal and/or informal assessment methods and measures do you use to determine employee well being, satisfaction, and motivation?

The organizational structure of the Judicial Department and the close interaction staff has with managers and directors allows for daily assessments of employee well being, satisfaction and motivation. Additionally, the Office of Finance and Personnel tested a customer satisfaction survey to rate the services provided by the Judicial Department. The survey focused on the areas of promptness, accuracy, courtesy, and knowledge. Also, a similar survey was conducted for employees leaving the Judicial Department.

5. How do you maintain a safe, secure, and healthy work environment?

The Department of Public Safety and local law enforcement agencies provide physical security for judicial facilities and employees across the state.

The Judicial Department has worked with the Budget and Control Board to implement emergency action plans for staff and visitors in the Supreme Court and Court of Appeals. These are comprehensive action plans designed to prepare employees to deal with emergencies ranging from fire alerts to homeland security issues. The Chief Justice has also issued orders regarding courtroom security in county courthouses.

Finance and Personnel staff receive training regarding employee benefits and employee referral services. This staff in turn provides assistance to employees or referrals to other appropriate agencies.

The Judicial Department encourages good health through an annual worksite health screening in Columbia and regionally throughout the state. During the past year, the Judicial Department sponsored flu shots and onsite mammography testing. In addition, free chronic disease workshops on topics such as cholesterol education, men's health, diabetes, prostate cancer screening, and women's reproductive health were made available.

6. What activities are employees involved with that make a positive contribution to the community?

In order to maintain independence and impartiality, the *Code of Judicial Conduct*, *Code of Conduct for Staff Attorneys and Law Clerks* and *Rule on Political Activity for Judicial Employees and Officers* restrict participation in extra-judicial activities by Judicial Department employees. However, these restrictions have not limited participation in community activities as described in **Section III Category 1.8**.

CATEGORY 6 – PROCESS MANAGEMENT

The Judicial Department continues to undergo a dramatic change in the manner in which it conducts operations because of the emphasis and greater dependency on technology. These changes are also revamping the culture of the Judicial Department by creating self-sufficiency not only in Judicial Department personnel but also in Judicial Branch users. For example, the current “Equity in Education” case being heard in the Clarendon County courthouse is using and relying upon technology for the courtroom operations, including presentation of evidence, real-time court transcription, retrieval of documents and depositions, playing of video and audio tapes, access to online legal research as well as the to the state’s Department of Education Web site and its library of information. In addition to the capabilities being provided within the courtroom, the public and media now have immediate, reliable information on the case as it proceeds. Essentially, this case highlights how services being provided by the Judicial Department to the citizens of South Carolina are increasing and being enhanced through the Judicial Department process management. Figure 6-1 summarizes the recent paradigm shift in the process management of the Judicial Department.

Figure 6-1: Paradigm Shift in Process Management of the Judicial Department

TRADITIONAL THINKING	CURRENT THINKING
Issue Mandates	Develop most attractive option(s)
Change in a REACTIVE Mode	Change in a PROACTIVE Mode
Ivory tower decision making	Grass roots involvement
No funding to the lower courts	Targeted funding for all courts
Limited assistance and support	Numerous mechanisms of support for all levels of court for judicial and non-judicial personnel
Training acquired on your own	Education structured and delivered both in classes and on individual basis
Courts work by themselves	Extensive collaboration with entities outside the courts
All knowledge resides with lawyers	IT professionals, educators, and business managers have skills that greatly enhance judicial operations
Focus on the “haves”	Focus on the “have nots”

1. What are your key processes that produce, create or add value for your customers and your organization, and how do they contribute to success?

There are five key processes of the Judicial Department:

- Conducting court hearings and trials for the purpose of fair and impartial judgment
- Issuing rulings which determine the outcome of court proceedings
- Promulgating rules of procedure for all courts to provide statewide uniformity in court proceedings
- Providing court information as the official records of the court proceedings
- Ensuring the public is served by competent, ethical lawyers and judges through the Office of Bar Admissions and the Office of Disciplinary Counsel

The outcomes of these processes are the customers’ and stakeholders’ expectations of the Judicial Department. Therefore, success is determined by the ability of the Judicial Department to accomplish these processes.

2. How do you incorporate organizational knowledge, new technology, changing customer and mission-related requirements, cost controls, and other efficiency and effectiveness factors into process design and delivery?

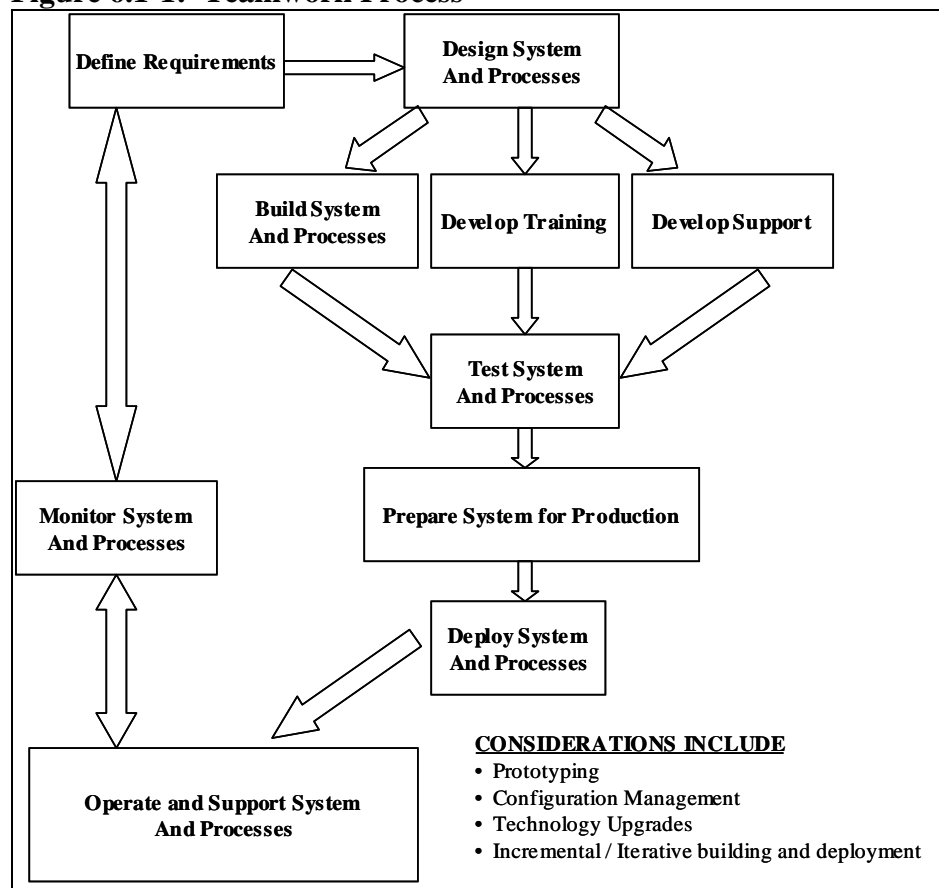
The Judicial Branch of government is a heterogeneous organization composed of a combination of elected officials and staff funded through a combination of state and local sources. As a result, organizational knowledge, new technology, changing customer and mission-related requirements,

cost controls and other factors are incorporated into the processes of the Judicial Department through one of two means: collaborative teamwork and mandates.

Collaborative Teamwork: Whenever possible, collaborative teamwork is used to incorporate organizational knowledge and bring about change. New operational requirements, new technologies and changing expectations of the public and/or Judicial Branch personnel are addressed through joint task forces and project teams. These joint task forces and project teams are composed of representatives from every affected entity. For example, the statewide court case management project team comprises County Clerks of Court staff, County Information Technology (IT) staff, the Office of Court Administration, Judicial Department IT division, the Judicial Department's systems integrator, and vendors. The process that the Judicial Department follows to incorporate change into Judicial Branch processes and systems is illustrated in Figure 6.1-1. Note that this process is followed after the project team and/or task force members are already identified and notified of the recommendation for a change.

Teamwork promotes collaboration and ownership by enabling more ideas to be incorporated in a project. Teamwork usually requires a greater time commitment at the beginning of the effort but generally reduces the time and disruption of business during the deployment phase.

Figure 6.1-1: Teamwork Process



Mandates: Mandates are only used in matters of law and in situations of crisis when consensus building is not an option. For example, changes in the statutes and codes by the Legislature that

result in changes within the Judicial Branch are a type of mandate. Prohibiting the use of cell phones in courtrooms is an example of a mandate. A mandate is issued by a judicial order or administrative directive.

3. How does your day-to-day operation of these processes ensure meeting key performance requirements?

Because of the role of the Judicial Branch in the judicial process of the United States, it is constantly in the public limelight. The scrutiny of the news media is a daily measure of whether the Judicial Department is meeting its responsibilities. The interactions that the Judicial Branch has with other government entities on a daily basis, through questions and noted discrepancies in reports, constitute another measure.

4. What are your key support processes, and how do you improve and update these processes to achieve better performance?

The Judicial Department uses 10 key support processes in its adjudicatory and administrative functions:

- Court scheduling
- Licensing
- Disciplining
- Legal education programs
- Monitoring legislation
- Legislative election of judges
- Pro bono representation of indigents
- Procurement
- Employee compensation and benefits
- Deployment of information technology

Changes and updates to these processes occur through the methods defined in **Section III Category 6.1**, enactment and amendment of statutes made by the General Assembly, appellate court opinions, amendments to rules of procedure, and through collaboration with customers and stakeholders.

5. How do you manage and support your key supplier/contractor/partner interactions and processes to improve performance?

Key suppliers and partnerships are managed and supported by the Judicial Department through five primary means:

- State purchasing for all contractual procurements ranging from supplies and standard office services such as copier machine repairs to computer hardware and consulting services
- Office of Information Technologies for technologies and related services
- Court Administration for liaison with the General Assembly and state and local agencies
- Office of the Chief Justice for liaison with federal grant programs
- Interactions with other government agencies (federal, state, and local) are conducted and managed by each of the divisions within the Judicial Department on an individual basis

CATEGORY 7 – BUSINESS RESULTS

1. What are your performance levels and trends for key measures of customer satisfaction?

By definition, the courts decide cases. Therefore, the final decision in a case means that one side will win and generally be satisfied, while the other side will lose and generally be dissatisfied. The Judicial Department strives to ensure that the process by which the case is adjudicated is reliable and fair to the participants.

The Judicial Department obtains information about customer satisfaction in a variety of ways:

- First, it meets with the leadership of the South Carolina Bar to obtain information about the needs of and problems facing lawyers in this State.
- Second, it meets with various groups or associations, including the South Carolina Trial Lawyers Association, South Carolina Defense Trial Attorneys Association, Circuit Court Judges Advisory Committee, Family Court Judges Advisory Committee, Probate Court Judges Advisory Committee, Clerks of Court and Registers of Deeds Advisory Committee, Court Reporters Advisory Committee, the Solicitors Association, the Public Defender's Association, the Probate Judges Association, and the Summary Court Judges Association to obtain information about their satisfaction with the Judicial Branch.
- Third, information about the public's level of satisfaction is obtained from correspondence received from members of the public, media reports, written responses to requests for public comment regarding rule changes and other matters, and public hearings held on various rule changes or other matters.

The key measures of customer satisfaction for the Judicial Department are twofold:

1. accessibility of accurate court information
2. response time to requests received

Through the incorporation of technology, both of these key measures of customer satisfaction are improving. For example, the Judicial Department Web site provides a summary of the issues included in cases to be argued before the Court and, once a case has been decided and published, offers readers a synopsis of the opinion decision. The Web site also provides access to unpublished opinions of both the Court of Appeals and the Supreme Court, updated rules, court calendars, forms, procedure manuals, CDR codes, judicial orders, etc. The Web site continues to evolve to provide greater functionality and more information and online services.

2. What are your performance levels and trends for key measures of mission accomplishment and organizational effectiveness?

The following are key measures of mission accomplishment for the Judicial Department.

2.1. Supreme Court of South Carolina

As indicated in **Section II – Business Overview**, the Supreme Court has both adjudicatory and administrative functions.

2.1.1 Supreme Court Performance Levels and Trends in the Adjudicatory Area

In the adjudicatory area, the key indicator of performance level is the case filing and disposition information listed in Tables 2.1.1-1 and 2.1.1-2.

Table 2.1.1-1: Supreme Court Caseload Activity

CASELOAD ACTIVITY	NUMBER
Opinions Issued	

Published	170
Unpublished	67
Total Opinions	237
Motions Pending July 1, 2003	72
Motions Filed	3383
Motions Ruled Upon	3399
Motions Pending June 30, 2004	56

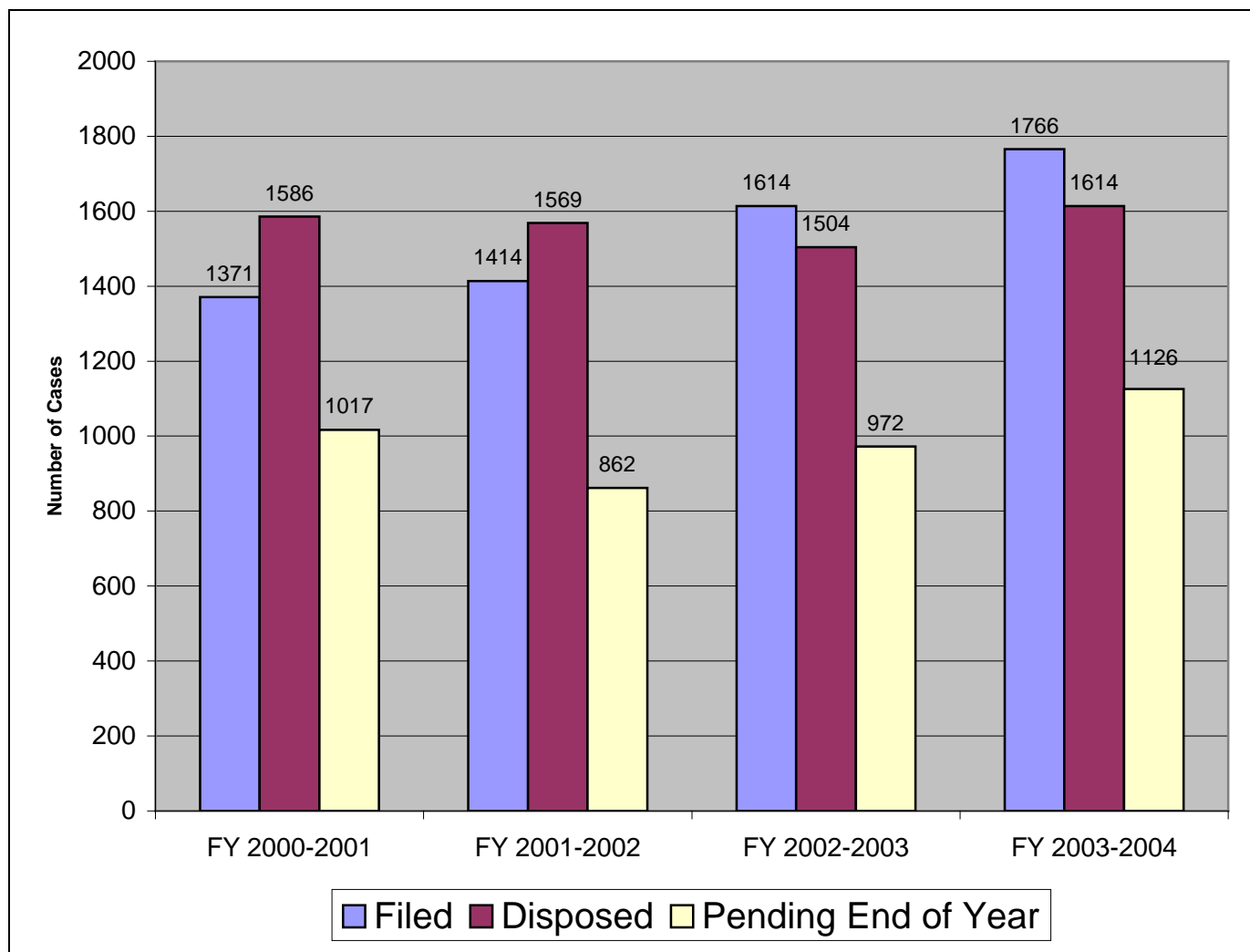
Table 2.1.1-2: Supreme Court Case Filings and Dispositions for Fiscal Year 2003-2004

FILINGS AND DISPOSITIONS	NUMBER
Cases Pending July 1, 2003	974
Cases Filed in FY 2003-2004	
Direct Appeals	
Civil	143
Criminal	96
Petitions for Certiorari	
Post-Conviction Relief	581
Court of Appeals	236
Original Jurisdiction	
Writs	425
Actions	39
Certified Questions	5
Judicial Conduct	10
Lawyer Conduct	29
Bar Admissions	119
Bar License Fees / CLE Suspensions / Reinstatements	80
Disciplinary Reinstatements	3
Total Cases Filed	1,766
Total Cases Awaiting Disposition	2,740
Cases Disposed Of	
Direct Appeals	
Criminal	
Transferred to Court of Appeals	85
Disposed	12
Civil	
Transferred to Court of Appeals	75
Disposed	54
Petitions for Certiorari	
Post-Conviction Relief	441

Court of Appeals	192
Original Jurisdiction	
Writs	463
Actions	45
Certified Questions	4
Judicial Conduct	10
Lawyer Conduct	35
Bar Admissions	120
Bar License Fees / CLE Suspensions / Reinstatements	76
Disciplinary Reinstatements	2
Total Cases Disposed	1,614
Cases Pending June 30, 2004	1,126

Caseload and disposition data for the last four years (excluding cases which were merely transferred to the Court of Appeals) are reflected in Figure 2.1.1-1

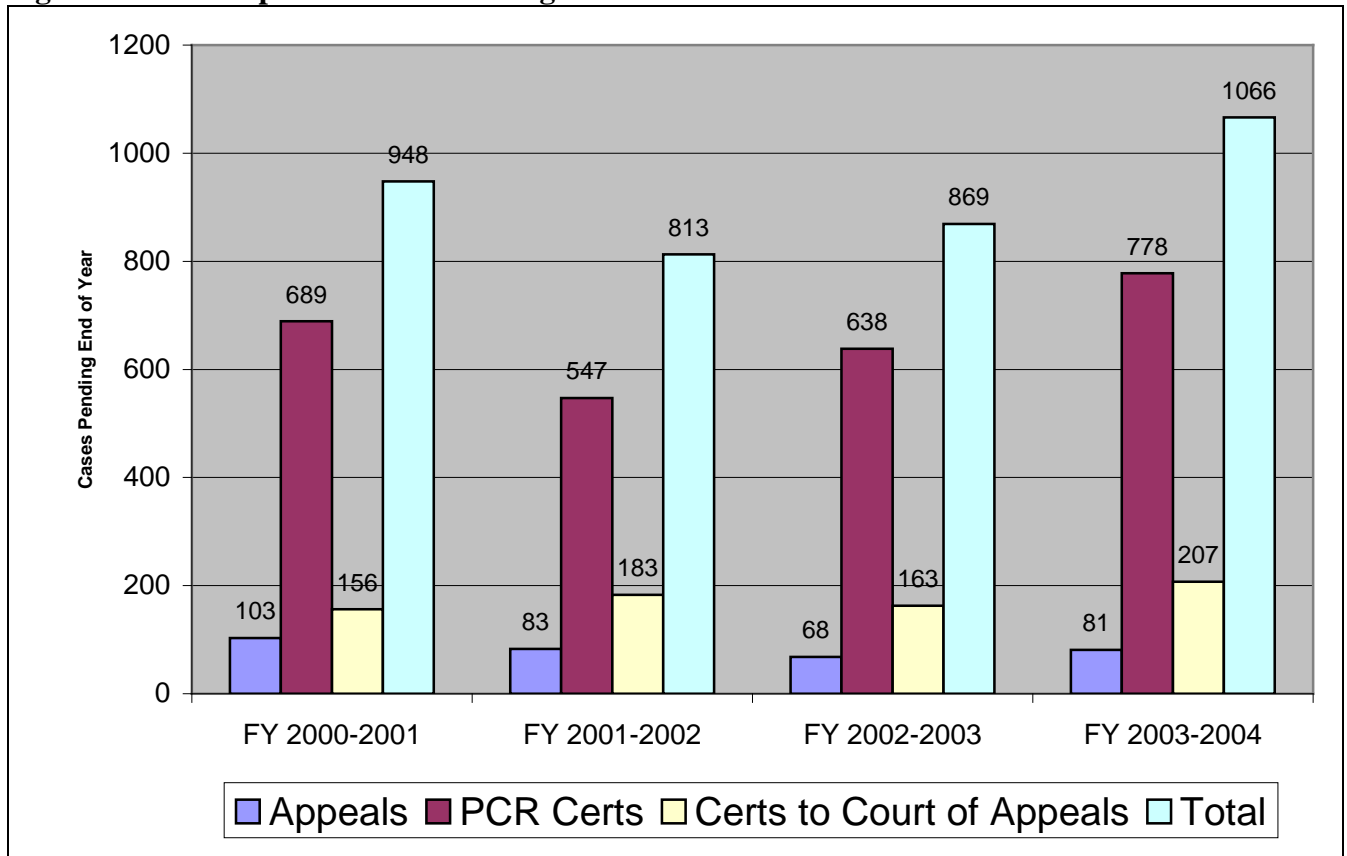
Figure 2.1.1-1: Supreme Court Caseloads



This chart shows that the number of pending cases at the end of the year increased by 154 matters. This increase was due to several factors. First, the number of filings increased by 152 over the previous year. Second, in light of the budget reductions, several staff attorney positions were not filled in an attempt to absorb these reductions. These reductions adversely affected the number of cases that could be processed for consideration by the Supreme Court. It should be noted that the number of matters disposed of was higher in FY 2003-2004 than it was in the preceding three years.

Appeals and petitions for writs of certiorari, the most labor-intensive areas for the Supreme Court and its staff, are reflected in Figure 2.1.1-2.

Figure 2.1.1-2: Supreme Court Pending Caseload



While the total number of pending cases in these areas increased by over the previous year, this increase is due primarily to the unfilled staff attorney positions discussed earlier. This chart shows that the Supreme Court, despite the budget reductions, reduced staffing and increased overall filings, has continued to maintain an acceptable level of pending cases.

2.1.2 Supreme Court Performance Levels and Trends in the Administrative Area

The effectiveness with which the Chief Justice and the Supreme Court administer the trial courts is reflected in the positive key results at every level of the Judicial Branch.

Regarding its rule-making authority, the Supreme Court amended the South Carolina Rules of Civil Procedure by clarifying Rule 3, Commencement of Action, to reflect the Legislature’s intent expressed in South Carolina Code Ann. § 15-3-20; by rewriting Rule 63, Disability of a Judge, to provide a clear procedure to be followed when a judge who has heard some or all of a case is unable to proceed with the case; and by amending Rules 71.1 and 77 to clarify the process for filing and notifying the parties when orders are filed in post-conviction relief proceedings. Additionally, as discussed earlier, the Bar Admissions Rule was revised. Finally, the Rules for Lawyer and Judicial Discipline were revised to provide for a more expedited procedure while still protecting the public and preserving the rights of lawyers and judges who are alleged to have engaged in wrong doing.

2.1.3 Supreme Court Other Key Measures of Performance

The Supreme Court prides itself on responding to correspondence and telephone inquiries in a prompt and courteous manner. On many occasions, the staff of the Supreme Court have been advised that similar correspondence to other parts of the state or local government have simply gone unanswered.

The Supreme Court has continued to take steps to increase public awareness of the Judicial Branch and its role in our society. In addition to the “Class Action” program discussed earlier in this report, the Supreme Court participated in South Carolina Girls’ and Boys’ State activities, provided instruction regarding the South Carolina Judicial System to students from the elementary to the college level, and provided tours of the Supreme Court building to numerous groups. Further, in conjunction with the Federal Government, the Supreme Court hosted groups from several foreign nations. These visits foster an understanding of the democratic system of government in the United States, enabling the representatives to assist the democratic systems developing in their countries.

2.2 Court of Appeals

Case and motion filing and disposition constitute the key indicators of the performance level for the Court of Appeals. This information appears in Tables 2.2-1 and 2.2-2 and Figure 2.2-1.

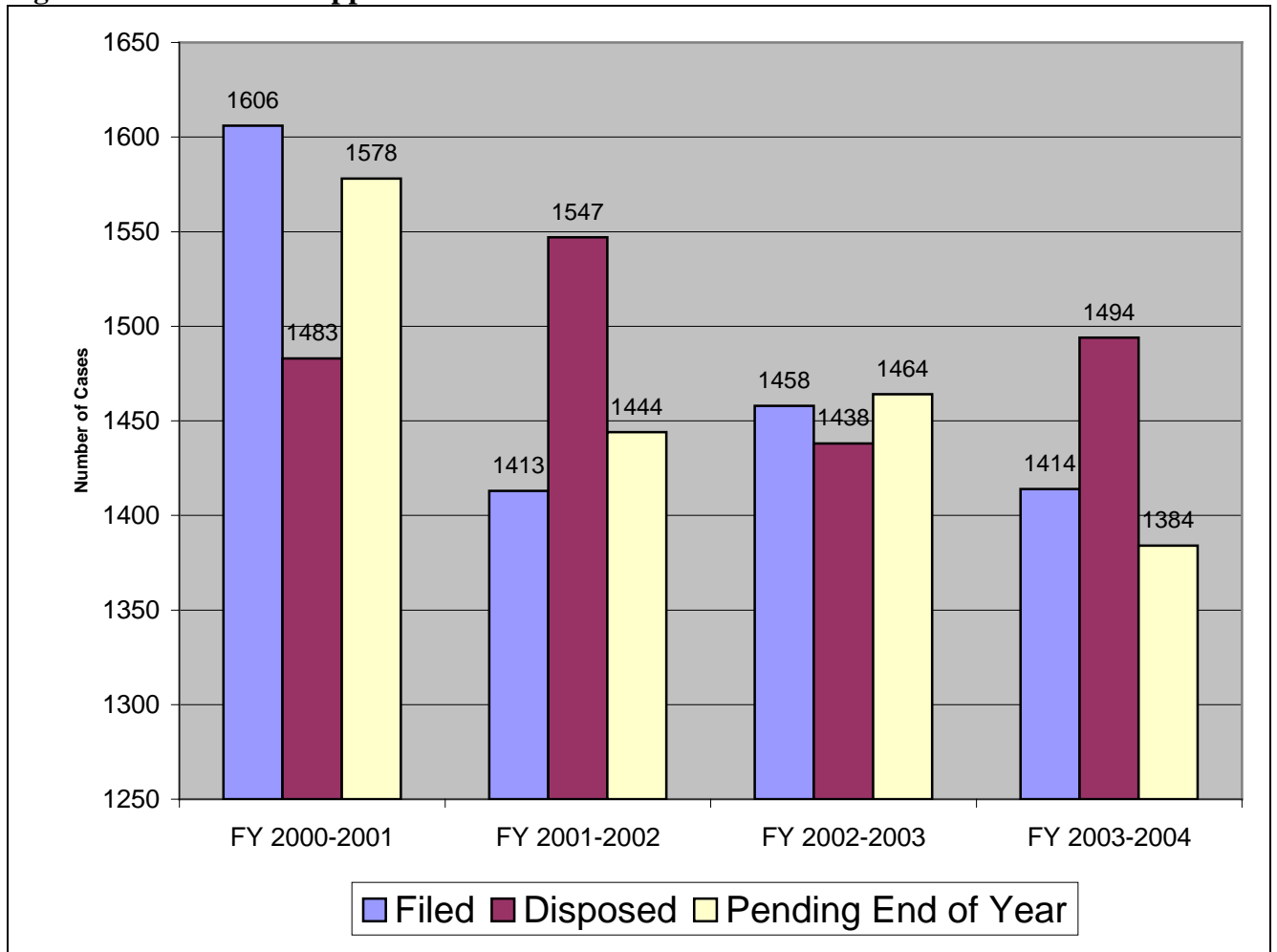
Table 2.2-1: Court of Appeals Case Filings and Dispositions

FILINGS / DISPOSITIONS	NUMBER
Cases Pending July 1, 2003	1464
Cases Filed	1414
Cases Completed	1494
Cases Pending June 30, 2004	1384

Table 2.2-2: Court of Appeals Caseload Activities

CASELOAD	NUMBER
Opinions Issued	
Published	185
Unpublished	752
Total Opinions	937
Motions Pending July 1, 2003	36
Motions Filed	5476
Motions Completed	5445
Motions Pending June 30, 2004	67

Figure 2.2-1: Court of Appeals Caseloads



The key performance indicator for the Court of Appeals is the number of cases filed and concluded. The Court of Appeals occasionally uses surveys to determine customer satisfaction in the areas of promptness, accuracy, and courtesy. These surveys address only the administrative process and do not ask for comments on the legal outcome appeals. Besides surveys, communications by letter, telephone calls and personal visits keep court staff aware of areas of concern during the process of preparing an appeal for decision by the Court of Appeals.

2.2.2 Court of Appeals Other Key Measures of Performance

Each year, the Court of Appeals welcomes many school and civic groups and other visitors to the historic quarters in the John C. Calhoun Building. Paralegal groups, students from colleges, high schools, middle schools, and elementary schools, model government participants, moot court contestants, community business and political leaders, international government figures, and citizens with an interest in the judiciary come to see the Court of Appeals in action or just to visit a courtroom and library with the flavor of times past.

In this fiscal year, the Court of Appeals held a term of court in Aiken County. With the cooperation and assistance of the local bar organizations, the Court made itself available to members of the public and students from Aiken County, who thus were able to observe oral arguments more readily.

2.3 Bar Admissions

The key indicators of the performance level for Bar Admissions are listed in Table 2.3-1.

Table 2.3-1: Bar Admissions

KEY INDICATOR	RESULTS
Bar Applications Filed	598
Applications for Limited Certificates	8
Applicants Who Appeared Before the Committee on Character and Fitness	12
Special Accommodation Requests Filed	12
Courses of Study Filed	5
Applicants Taking the Bar Examination	558
Number and Percentage Passing	403 / 72 %
Applicants Admitted	409
Hearings Held on Reinstatement Petitions	5
Trial Experiences Processed	236
Applications to be Certified as Lead Counsel in Death Penalty Cases	8

Rules and forms used in the admission process are available on the Judicial Department Web site, www.sccourts.org, allowing applicants ready access to this information and decreasing staff time spent answering written and telephone inquiries. A revised admissions rule was implemented during this fiscal year which clarifies and streamlines the admissions process – a first step toward the ultimate automation of the bar admissions process. The ultimate goal will be to have an automated system in which applicants will be able to file online applications, all of the requirements for admission will be tracked electronically, and all letters and forms relating to admission can be automatically generated.

The Office of Bar Admissions continues to use the Internet to make the results of the bar examination available to the applicants in a more timely manner. A release date and time for the results is now set in advance, and applicants are able to immediately have the results without waiting to receive notification by mail. Not only has this notification been of tremendous benefit to the applicants, it has eased the number of telephonic inquiries received by the Bar Admissions Office regarding the results of the examination.

During the period covered by this report, the Board of Law Examiners has fully implemented the rule change providing for associate bar examiners. These associate members were involved in grading the July 2003 examination, and in drafting the questions and grading the February 2004 and July 2004 examinations. In addition to easing the burden on the examiners, the associate members have helped improve the quality of the questions and model answers and have helped expedite the grading process. The use of associate members may ultimately allow for the more expeditious release of the bar examination results.

2.4 Office of Disciplinary Counsel

The Office of Disciplinary Counsel (ODC) handles complaints received by two commissions:

- The Commission on Judicial Conduct
- The Commission on Lawyer Conduct

Although the number of complaints received by ODC has increased over the past seven years, ODC continues to close more complaints each year than in preceding years, which results in a better perception that the disciplinary process is working expeditiously to protect the public. The goal of ODC is to close more matters than received by both Commissions each year. Note, during this past fiscal year, none of the judges that serve on the Supreme Court, Court of Appeals, Circuit Court, or Family Court were publicly sanctioned, which indicates the higher court judges are adhering to the ethical rules and codes of conduct.

2.4.1 Commission on Judicial Conduct

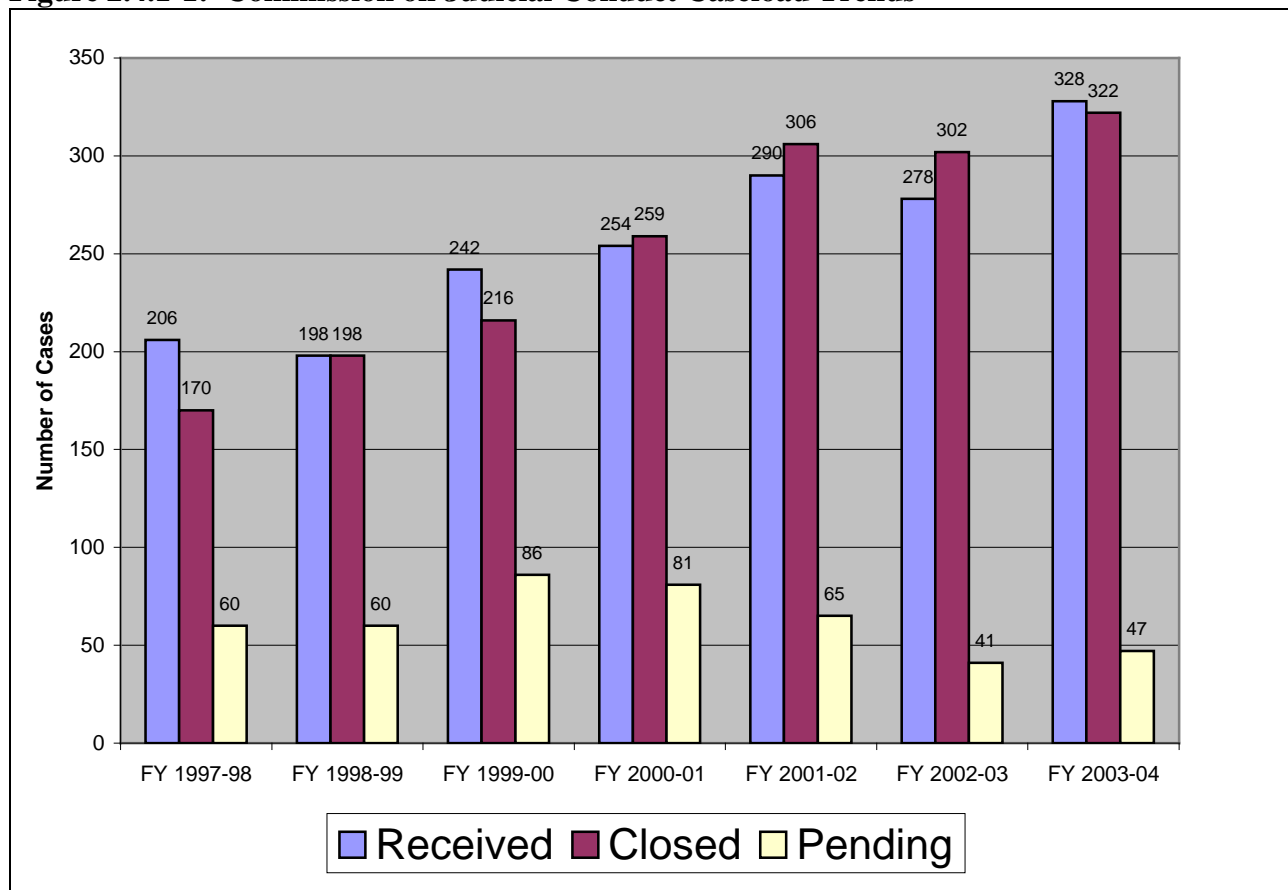
The performance levels for the Commission on Judicial Conduct are listed in Table 2.4.1-1 and Figure 2.4.1-1.

Table 2.4.1-1: Commission on Judicial Conduct Performance Levels

COMPLAINTS	NUMBER
Complaints pending July 1, 2003	41
Complaints received this year	328
Total of pending and received complaints for the past fiscal year	369
DISPOSITION OF CONCLUDED COMPLAINTS	
Dismissed by Disciplinary Counsel after review (no jurisdiction)	205
Dismissed by Disciplinary Counsel after prelim investigation (lack of evidence)	46
Dismissed by Investigative Panel after preliminary investigation	22
Dismissed by Investigative Panel after full investigation	3
Dismissed by the Supreme Court	1
Total Dismissed	277
Other - Referred to another agency	0
Letter of Caution without finding of misconduct	18
Letter of Caution with finding of minor misconduct	8
Admonition (Confidential)	3
Admonition (Public but not Published)	0
Public Reprimand	2
Suspension	4
Removal from Office	4
Closed But Not Dismissed	2
Other	0
Total Dispositions other than Dismissal	45

Total Complaints concluded this year	322
Total Complaints pending as of June 30, 2004	47

Figure 2.4.1-1: Commission on Judicial Conduct Caseload Trends



2.4.2 Commission on Lawyer Conduct

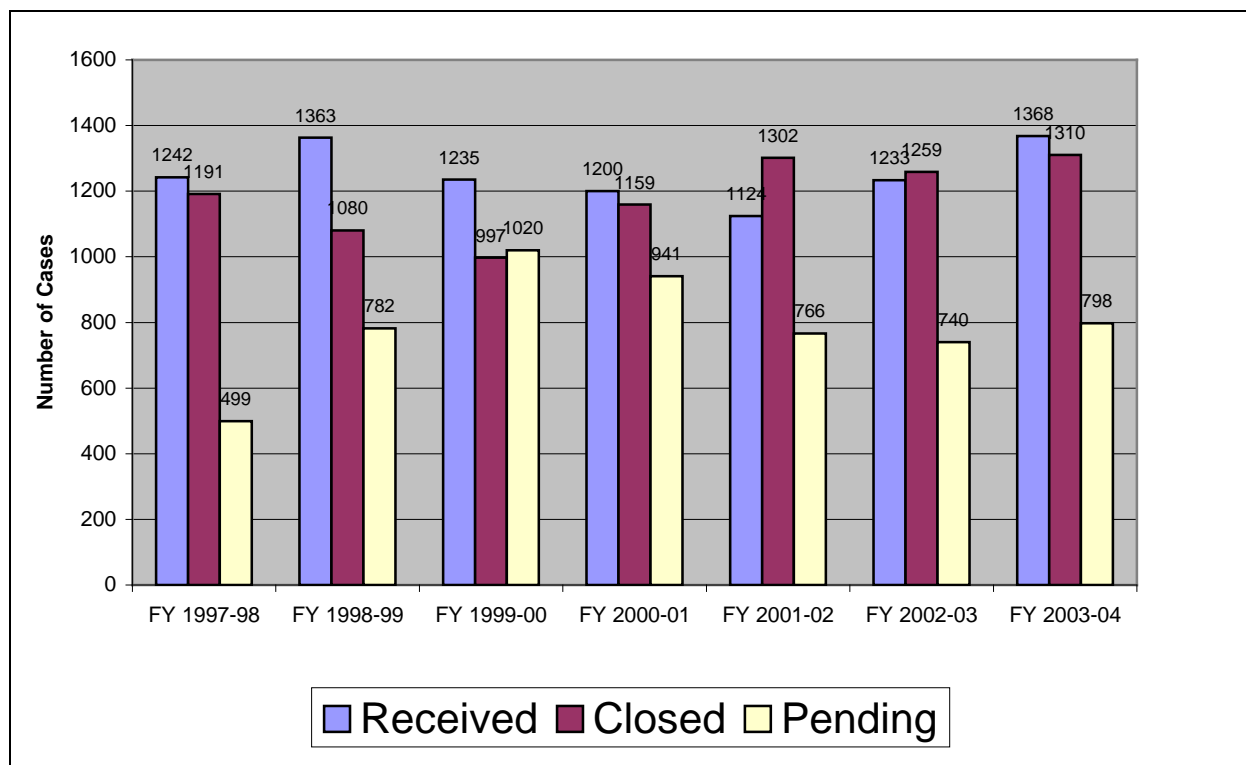
The performance levels for the Commission on Lawyer Conduct are listed in Table 2.4.2-1 and Figure 2.4.2-1.

Table 2.4.2-1: Commission on Lawyer Conduct Performance Levels

COMPLAINTS	NUMBER
Complaints pending July 1, 2003	740
Complaints received	1368
Total pending and received complaints	2108
DISPOSITION OF CONCLUDED COMPLAINTS	
Dismissed by Disciplinary Counsel after review (no jurisdiction)	247

Dismissed by Disciplinary Counsel after prelim investigation (lack of evidence)	667
Dismissed by Investigative Panel after preliminary investigation	75
Dismissed by Investigative Panel after full investigation	9
Dismissed by Supreme Court	0
Total Dismissed	998
Referred to Other Agency	18
Letter of Caution without finding of misconduct	59
Letter of Caution with finding of minor misconduct	60
Transferred to Incapacity Inactive Status as final disposition	0
Deferred Disciplinary Agreement	12
Admonition	29
Private Reprimand (Public information)	0
Public Reprimand	23
Suspension	43
Disbarment	46
Closed but not Dismissed	16
Other Disposition (death of lawyer)	6
Total Dispositions other than Dismissal	312
Total complaints concluded	1310
Complaints pending as of June 30, 2004	798

Figure 2.4.2-1: Commission on Lawyer Conduct Caseload Trends



2.4.3 Commission on Lawyer Conduct Other Key Measures of Performance

There are approximately 70 attorneys, located statewide, appointed by the Supreme Court to assist ODC. These attorneys serve on a pro bono, unpaid basis and enable approximately one-third of the complaints to be handled at the local level, which is more convenient to the participants. ODC trains, mentors and, as necessary, assists these attorneys.

Members of the ODC legal staff participated as speakers at Continuing Legal Education (CLE) programs and the Bridge the Gap Program at the Law School. Legal staff members also work closely with and provide advice and assistance to the Client Assistance Program of the South Carolina Bar, the Lawyers Fund for Client Protection, the Resolution of Fee Disputes Board of South Carolina Bar, and Attorneys Appointed to Protect Client's Interest due to death or incapacity of a lawyer or a lawyer being placed on interim suspension. When evidence of a serious crime is discovered, ODC works with law enforcement and prosecutors to have the evidence investigated and prosecuted. The ability of ODC to protect the public when information regarding financial irregularities or other serious misconduct or incapacity by an attorney or judge is received is reflected in filing petitions for orders suspending attorneys from practice and judges from presiding over court within days of receipt of such information. This safety measure is part of the weekly operations (performance) of ODC. ODC is in the process of inputting opinions of the Advisory Committee on Judicial Conduct so that all prior and all future opinions of that Committee will be publicly available on the Judicial Department's Web site. Finally, ODC serves as counsel for the State in proceedings before the Committee on Character and Fitness and in contempt proceedings before the Supreme Court.

2.5 Circuit Court (General Sessions and Common Pleas) and Family Court

Benchmarks have been established to meet the parties' need to have cases decided within a reasonable amount of time, depending on the type of court. The target time for processing a case in General Sessions court (benchmark) is resolution within 180 days of filing. The benchmark for a case filed in Common Pleas court is 365 days from date of filing. Cases filed in Family Court have a benchmark of 270 days.

Figures 2.5-1, 2.5-2 and 2.5-3 show this year's results of the judicial circuits according to the benchmarks as of June 30, 2004:

General Sessions Circuits Meeting Benchmark:	0 of 16
Common Pleas Circuits Meeting Benchmark:	3 of 16
Family Court Circuits Meeting Benchmark:	11 of 16

Figure 2.5-1: General Sessions Benchmarks by Circuit

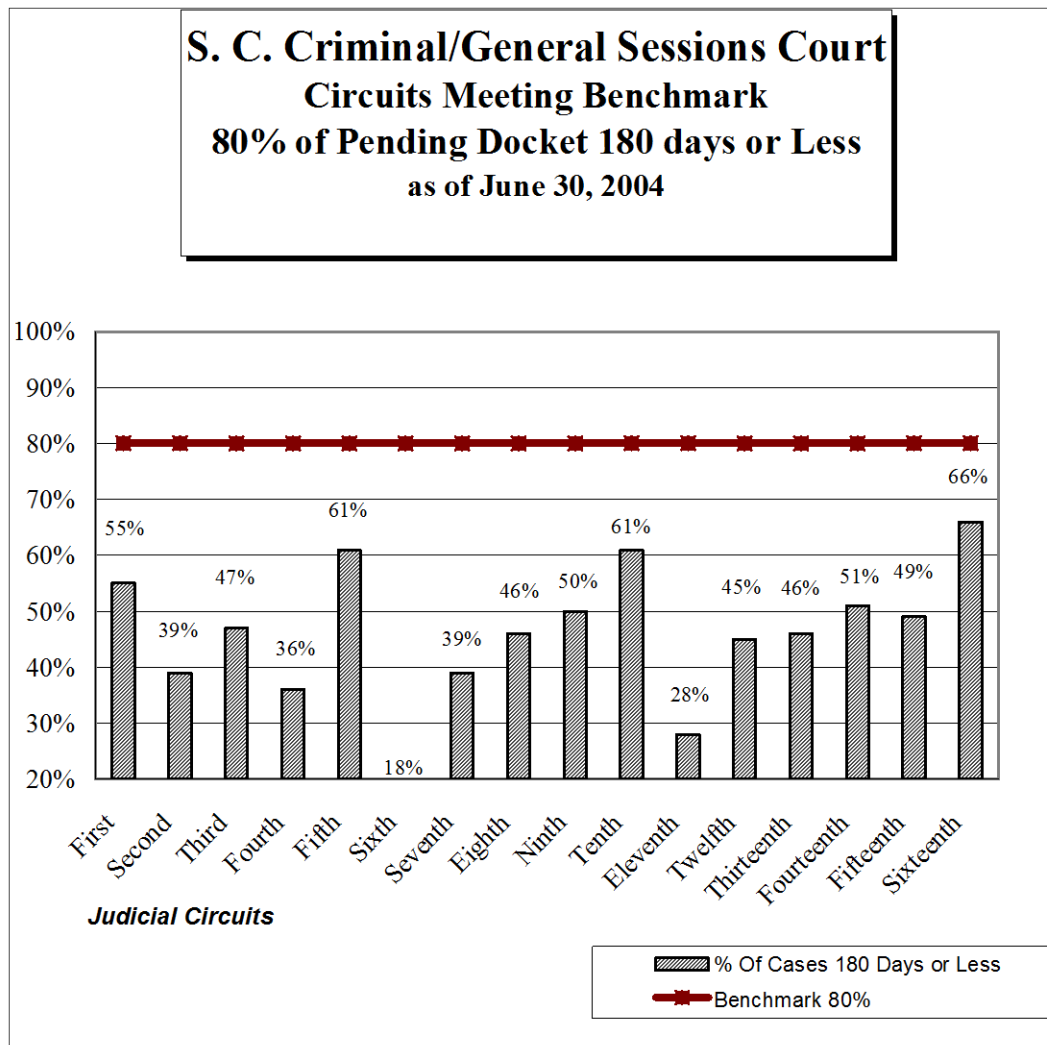


Figure 2.5-2: Common Pleas Benchmarks by Circuit

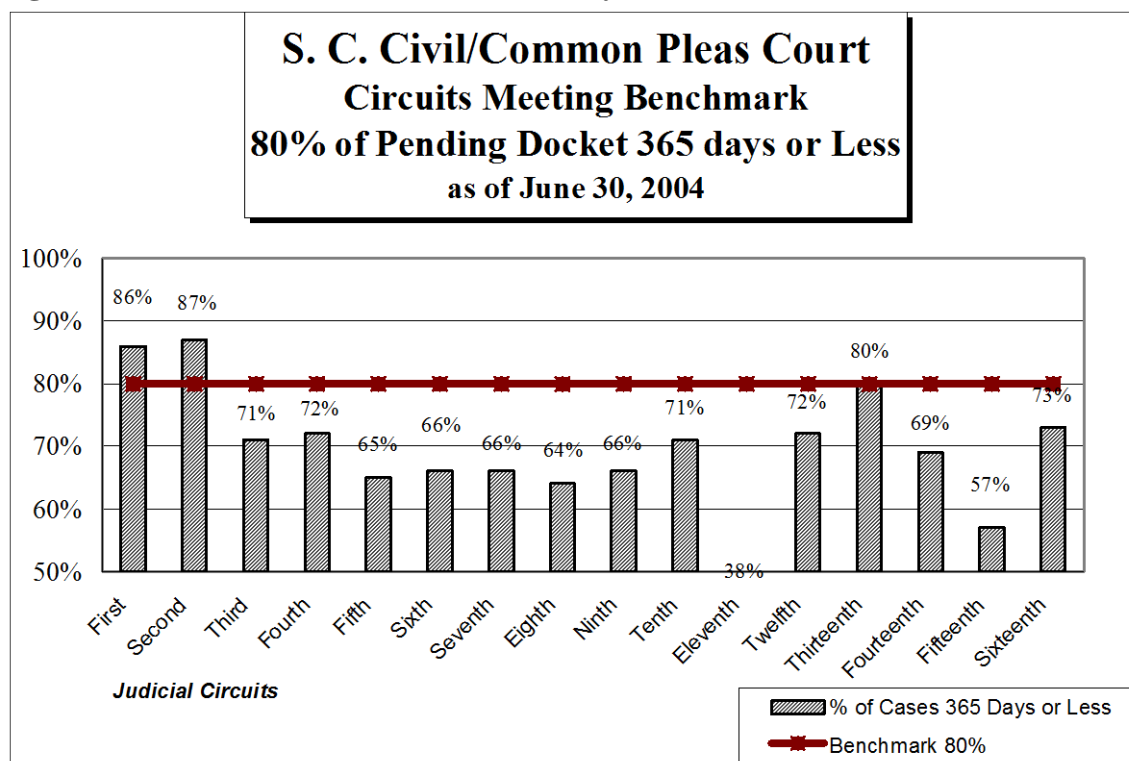
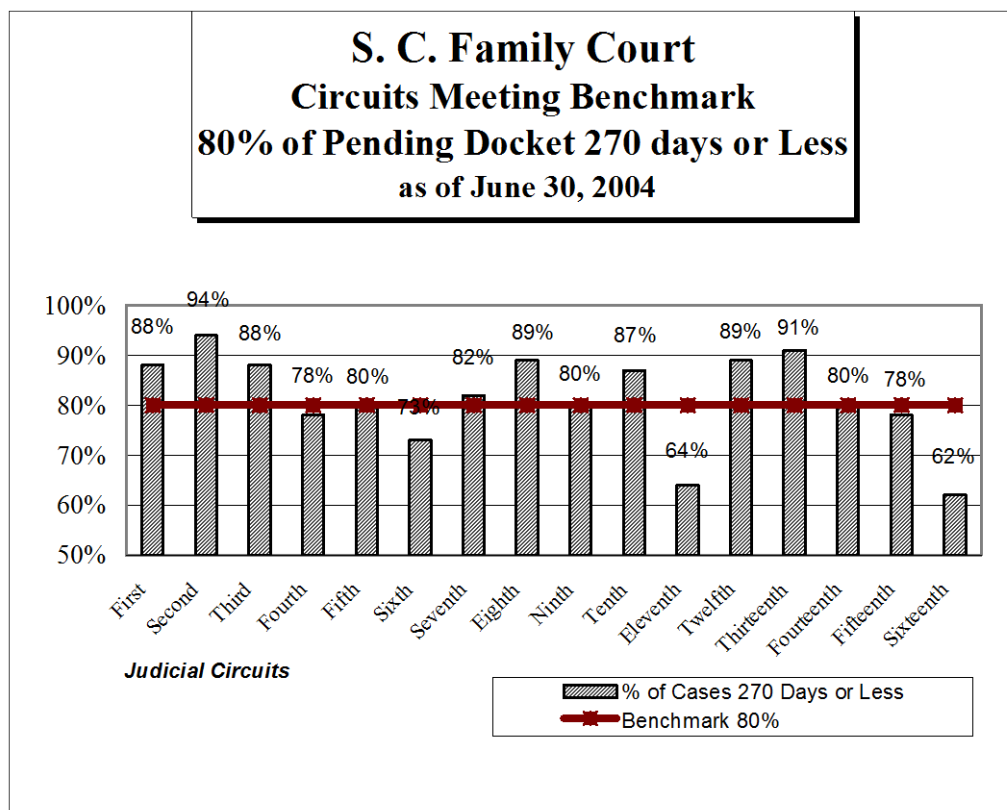


Figure 2.5-3: Family Court Benchmarks by Circuit



The ability of the judicial circuits to meet the caseload benchmarks was hampered this past year due to financial constraints. The budget reductions nearly eliminated the constitutionally required rotation of judges. Some individual special projects were held in the trial courts throughout the year to address the caseload backlog problems; however, these successes were not enough to carry the overall state benchmarks into the satisfactory range.

Table 2.5-1: Terms of Court

YEAR	COMMON PLEAS	GENERAL SESSIONS	TOTAL CIRCUIT COURT	FAMILY COURT
1997/98	895.8	861.8	1757.6	2088.8
1998/99	991.4	870.0	1861.4	2176.6
1999/00	1057.2	892.2	1949.4	2220.2
2000/01	1007.2	887.7	1894.9	2213.7
2001/02	956.6	893.2	1849.8	2137.9
2002/03	941.2	888.2	1829.4	2194.4
2003/04	856.8	903.3	1759.8	2481.4

Figure 2.5-4: General Sessions Cases

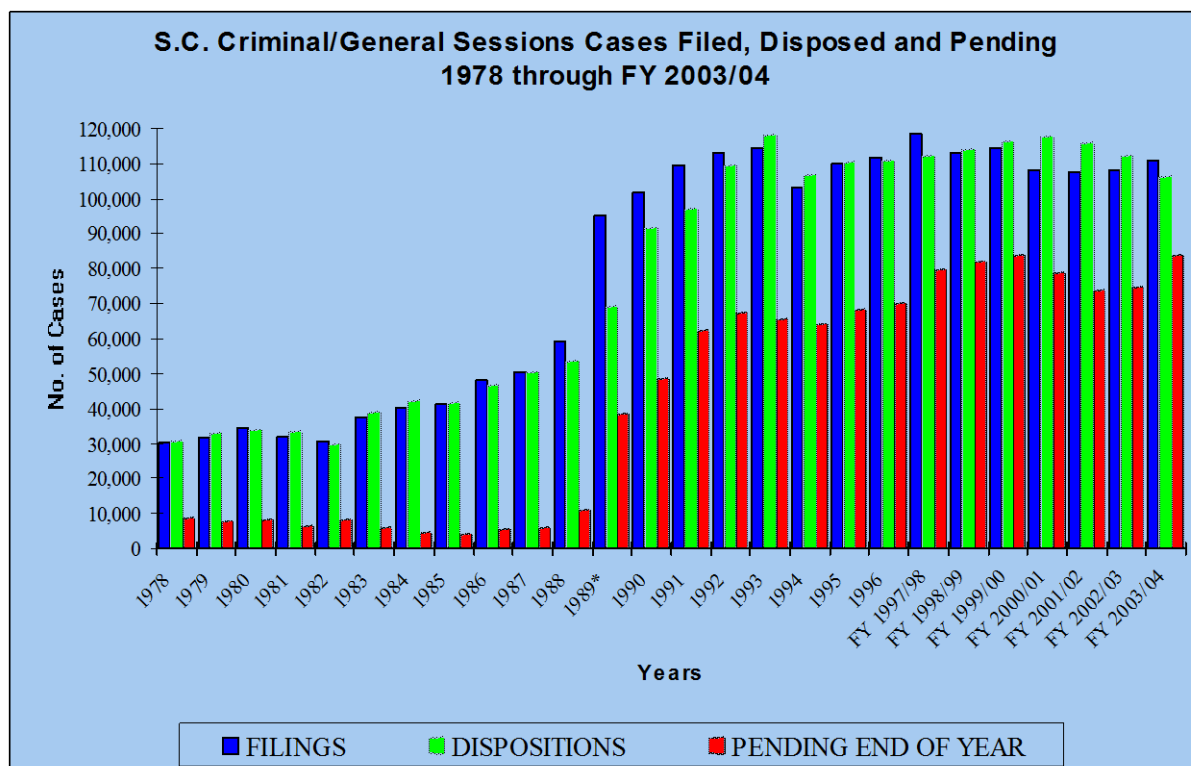


Figure 2.5-5: Common Pleas Cases

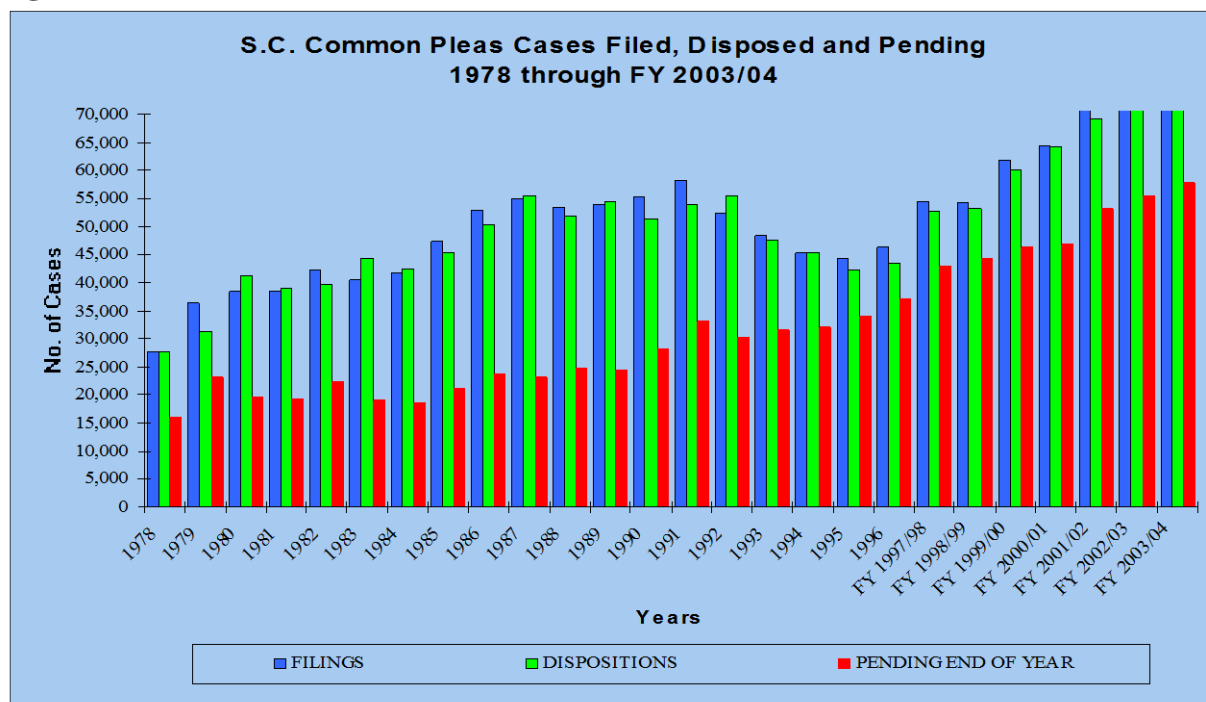
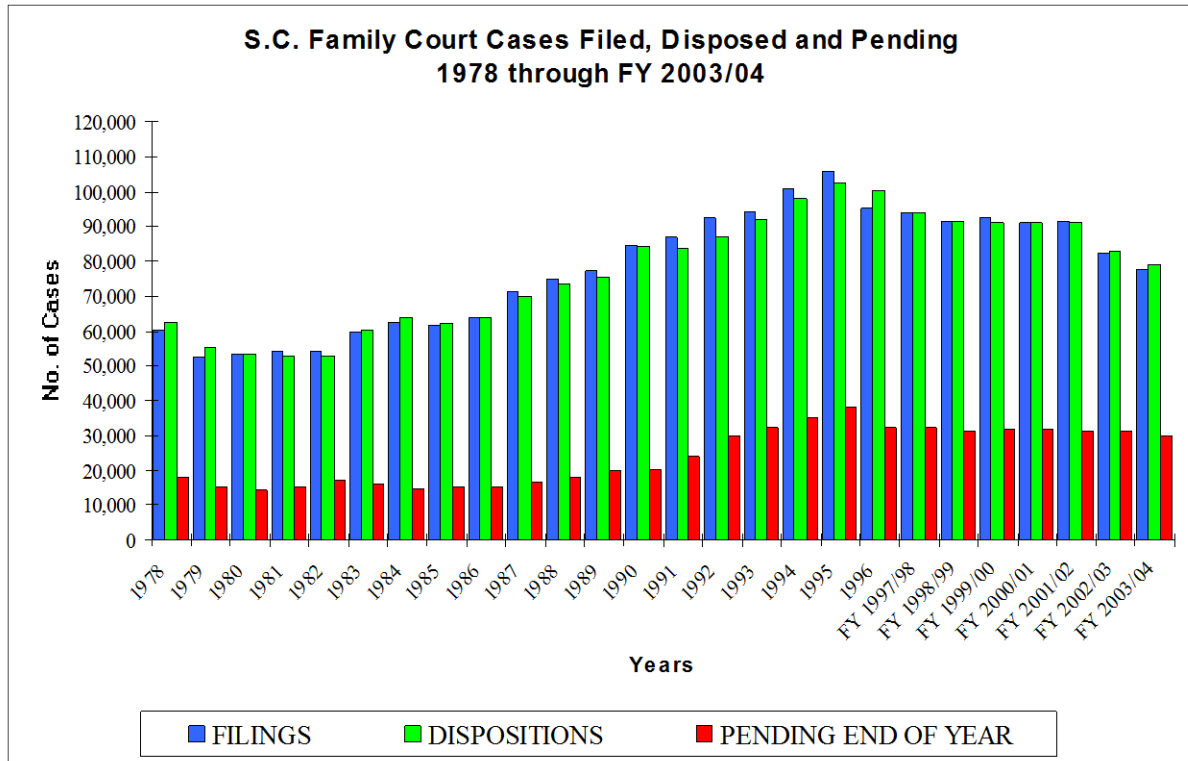


Figure 2.5-6: Family Court Cases



2.5.1 Other Key Measures of Performance

As by-products of Judicial Department technology initiatives, the paradigm, culture, and mindset of the Judicial Branch have been changed at both the state and local levels, which have impacted court operations. By facilitating communication through electronic dissemination of reports, its presence on the Internet, and partnerships with other state and local agencies, the Judicial Department has seen significant improvements. Many operations such as posting and distribution of court rosters, court calendars, judicial procedure manuals, forms, and monthly caseload reports now occur online through the Web. Just two or three years ago, these operations were all hardcopy and manual processes. The increase in accuracy and timeliness of the information received and disseminated by the Judicial Department is in addition to the direct monetary savings to counties and the state, which is estimated to be in the range of hundreds of thousands of dollars. The use of the Judicial Department's Web site is now an integral part of the daily operations of the courts. This site is now receiving more than 4.5 million hits per month and has grown at a rate of more than 100% per year since its inception in 2000.

2.6 Office of Court Administration Performance Levels and Trends

A brief review of program accomplishments by work groups within Court Administration is as follows:

2.6.1 Court Services

The Court Services staff continuously works to preserve the integrity of the information contained in the Clerk of Court Manual by assigning specific staff members the responsibility to monitor relevant chapters and forms within their area of expertise. Updates to the Clerk of Court Manual occur

frequently as a result of changes to court rules, statutes and administrative orders. These changes often require revisions to procedural guidelines outlined in the manual as well as revisions to Supreme Court-approved forms. Projects include development of a statewide civil coversheet, adoption of uniform standards for indexing court records, development of uniform nature of action codes to track and describe common pleas cases, and establishment of guidelines for handling firearm exhibits in court.

The Court Services staff provided assistance to trial court staff and clerks of court through on-site visits and training. The court services representative visited 34 clerk of court offices at least once during the year to review files to ensure statutory compliance and to provide assistance in document processing and procedures. The court services representative also performed on-site verifications at 44 county probate court offices, physically examining case files in the last fiscal year. Additionally, in conjunction with the Probate Judges Advisory Committee, 92 probate court forms were modified and electronically posted on the Web site for public and court use.

The circuit, family, and court services representatives met with advisory committees on a quarterly basis to address issues related to their area of concern. Orientation schools for new family court, circuit court, and probate court judges were planned and coordinated. In accordance with the value of teamwork, Court Services, working with other members of the Judicial Department, planned and coordinated the New Law Clerks Seminar and the annual Judicial Conference, which included 250 participants. Judicial Education Scholarship funding was obtained for 17 judges to attend courses conducted at the National Judicial College. Five new judges will attend the General Jurisdiction course, one sitting judge will attend the Handling Capital Cases course, and five judges will attend a variety of multi-day competency courses. These scholarships are funded through grants provided through the South Carolina Bar Foundation (IOLTA) trust accounts with a match from the Bureau of Justice Assistance. Periodic notifications were sent to judges informing them of various judicial education opportunities. On-site training was provided to two new circuit court judges, three new county clerks of court and one new probate judge. Judicial Department funding is provided annually to a limited number of family court judges to attend the National Conference of Juvenile and Family Court Judges.

Court Services staff responds to inquiries involving court policy and procedures and researches legal authorities for clarification of issues for many customers and stakeholders. In the past year, approximately 30 family court-related inquiries by telephone were resolved each month. Additionally, each month staff processed and responded to approximately 30 written inquiries from inmates alone.

2.6.2 Court Reporting

The Court Reporting staff is responsible for ensuring that an official state court reporter is assigned to each term of Circuit and Family Court. In addition, this staff monitors the production of transcripts requested, ensuring that court reporters are in compliance with the time limits set by Order of the Supreme Court.

Court reporter transcript production is monitored closely, and court reporters are expected to deliver transcripts on a timely basis. There were significant problems with transcript production rates in 2000. In assessing production, Court Administration used five performance measures:

- 1) 2000 pages pending, 30+ transcripts pending, transcripts pending for more than one year (ten extensions).
- 2) 2000 pages pending, 30+ transcripts pending;
- 3) 2000 pages pending, transcripts pending for more than one year;
- 4) 30+ transcripts pending;
- 5) 2000 pages pending.

Thirty-seven (37) court reporters fit into one of these five categories and were required to submit work plans. Over the last four years, the production problems have been essentially eliminated. Presently, the only performance measure still applicable is those reporters with 2000 or more pages pending. Currently, there are eighteen (18) court reporters that have 2000 pages pending. Trials of 2000 pages or more are usually death penalty, malpractice, or other complicated trials.

Court Administration is allowed to grant up to three extensions of time to deliver transcripts. Court reporters who cannot deliver transcripts within the 3-extension time frame, must seek approval from the Chief Justice for a fourth extension. Presently, there are only six court reporters with a fourth extension pending. Typically, a fourth extension request is made for death penalty, malpractice, or long complicated trials. Only court reporters expressing an interest in reporting death penalty cases are assigned to those cases. In an effort to keep transcripts at a manageable level, court reporters are seeking transcript production assistance more readily. In addition, many of the Judicial Department's court reporters are becoming proficient in generating Realtime transcriptions. Currently, one court reporter holds the National Realtime Certified designation and several are Realtime Qualified. In a collaborative effort with the Judicial Department's Information Technology staff, 10 court reporters were provided equipment, assistance, and training in Realtime technology. A second group of 10 court reporters will be provided equipment, assistance, and training in Real-time techniques, advancing the efforts to ultimately provide Real-time Technology in every Family and Circuit courtroom in this State.

2.6.3 Summary Court Services

Many of the Summary Court judges are not attorneys, nor do they have law clerks. Court Administration's two staff attorneys and summary court representative provide the necessary support for these courts to operate within the requirements of court rules and state laws. The Summary Court Services staff also conducts a two-week mandatory orientation school for new judges twice a year. This year, 61 new judges were enrolled. The certification examination was administered to 61 new appointees, as required by state law, with 59 appointees passing the examination. The staff implemented a preparatory examination to test basic skills of all prospective magistrates. The Summary Court Services staff, in conjunction with the Magistrate Advisory Council, developed a two-year intensive education program for sitting magistrates, with approximately 37 judges participating. Staff also collaborated with the IT Division in converting the Magistrates' Benchbook from paper media to electronic format, which is now available on the Judicial Department's Web site.

3. What are your performance levels for the key measures of financial performance?

The Judicial Department continues to strive for excellence as it fulfills its mission and continues to grow into a more effective organization. Under the leadership of the Chief Justice, the Judicial

Department has avoided furloughing and laying off employees during the recent difficult financial times.

Thanks to the insight of the Legislature, the Judicial Department has developed alternative sources of revenue. The Judicial Department continues to work with the County Clerks of Court and the County Treasurers to realize this source of funding. The fees and assessments enacted by the Legislature and collected for the Judicial Department have increased to more than 30% of the Judicial Department operating budget. A large portion of these fees and assessments are available to the Judicial Department through appropriations act provisos. The Judicial Department continues to need a stable base of recurring funding for its operating budget.

The Judicial Department has also remained dedicated to the advancement of its mission through technology. The Judicial Department believes that by investing in human resources and technology, it will grow into a more responsive and cost effective organization. In order to do this, the Judicial Department has actively sought out sources of funding to enhance the funding provided by the general fund of South Carolina. Through the efforts of the Chief Justice, Information Technology Director and the Judicial Department's systems integrator, the Judicial Department has achieved a significant growth in federal funding at the same time State funding has been declining, as illustrated in Figures 3-1, 3-2 and 3-3. This federal funding is restricted to building technology infrastructure and cannot be used for general operations. These federal grant projects have enabled the Judicial Department to continue its modernization vision with technology during the state's fiscal crisis.

Figure 3-1: State Appropriations

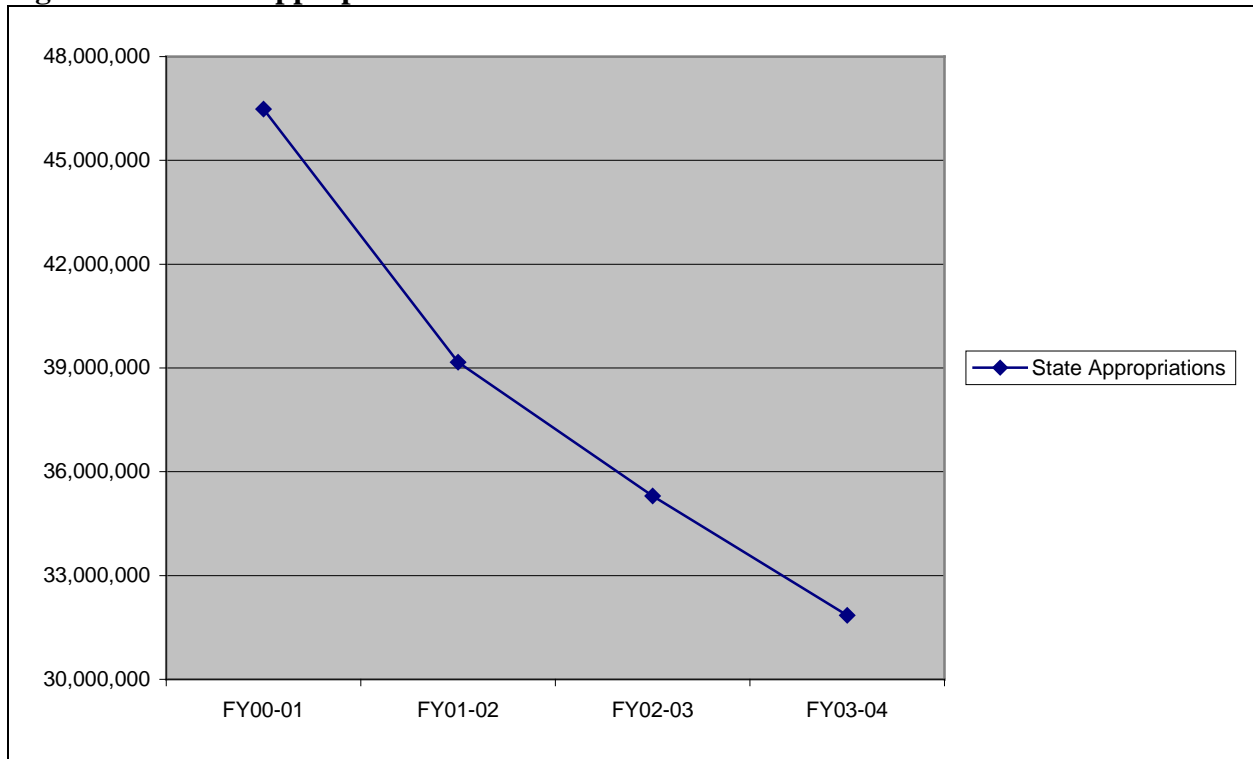


Figure 3-2: Federal Funding

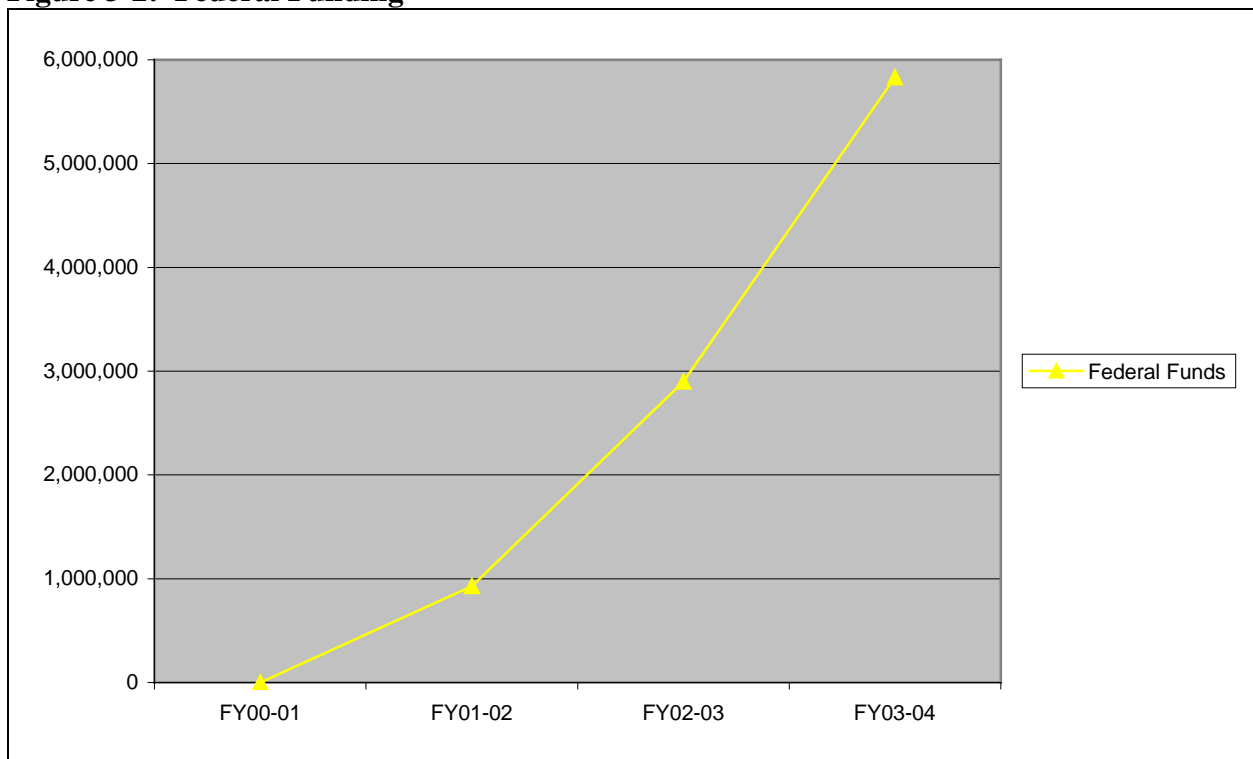
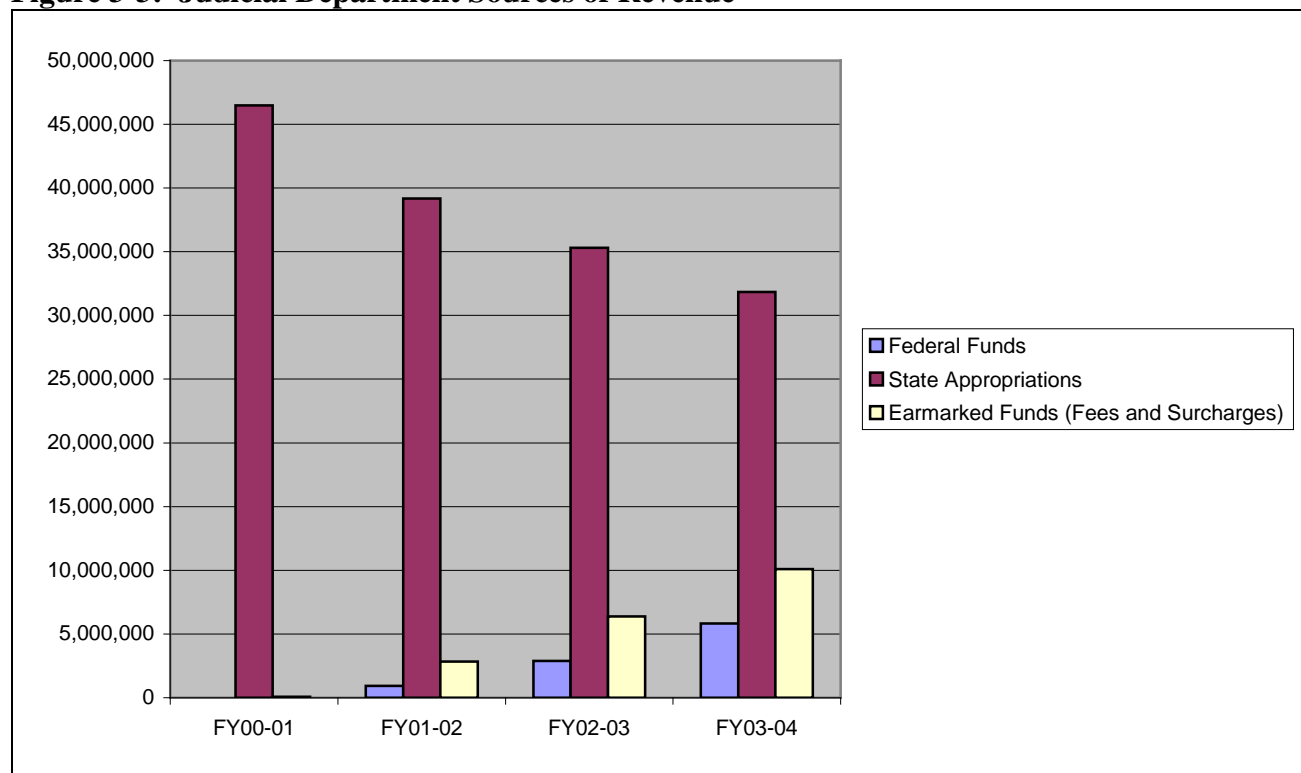


Figure 3-3: Judicial Department Sources of Revenue



4. What are your performance levels and trends for the key measures of Human Resource Results?

Employee turnover rates still indicate a high rate of job satisfaction in the Judicial Department. Table 4-1 reflects the Judicial Department's very stable work force and low overall turnover rate, which remains less than 6%. Also, most permanent employees have been employed by the Judicial Department for more than 10 years, and several employees have been employed by the Judicial Department for more than 25 years.

Table 4-1: Judicial Department Employee Turnover

	FY 00-01			FY 01-02			FY 02-03			FY 03-04		
	FTE	Term	Turnover	FTE	Term	Turnover	FTE	Term	Turnover	FTE	Term	Turnover
Supreme Court	48	8	16.67%	48	6	12.50%	48	7	14.58%	50	5	10.00%
Circuit Court	205	58	28.29%	205	61	29.76%	205	51	24.88%	205	51	24.88%
Family Court	166	10	6.02%	166	6	3.61%	166	8	4.82%	164	8	4.88%
Court Administration	25	2	8.00%	25	1	4.00%	24	5	20.83%	24	1	4.17%
Appeals Court	62	18	29.03%	62	14	22.58%	62	22	35.48%	62	19	30.65%
Disciplinary Counsel	14	0	0.00%	14	1	7.14%	15	2	13.33%	15	2	13.33%
Finance & Personnel	15	2	13.33%	15	0	0.00%	15	1	6.67%	15	2	13.33%
Information Technology	21	4	19.05%	21	4	19.05%	21	0	0.00%	21	1	4.76%
	556	102	18.35%	556	93	16.73%	556	96	17.27%	556	89	16.01%

Less Retirees & Non-Career Employees	(75)	(75)		(75)	(75)		(71)	(71)		(63)	(63)	
Less Vacancies	(26)			(34)			(35)			(38)		
	455	27	5.93%	447	18	4.03%	450	25	5.56%	455	26	5.71%

The Judicial Department hires approximately 60 law clerks and staff attorneys for a one- or two-year term. These employees generally fulfill their terms and are given very challenging responsibilities and opportunities to observe and participate in the judicial process that few of their law school contemporaries will ever have. Further, among lawyers working for the Judicial Department, there is frequently movement between law clerks for trial court judges and law clerks and staff attorneys at the appellate level. This flexibility gives young attorneys the opportunity to experience the Judicial Department's work from more than one vantage point and develop diverse skills that will benefit those seeking legal assistance from these attorneys when the terms expire.

The Judicial Department actively seeks to develop the skills of its employees. For its employees that are lawyers, the Supreme Court provides training during the annual Judicial Conference, during a separate training seminar and through monthly continuing education programs for appellate law clerks and staff attorneys.

As technology is further incorporated into everyday Judicial Department processes, training and development keep pace. All employees are required to complete training to improve their technical skills. As the Judicial Department standardizes its technology applications, employees are required to complete training in those applications and, where necessary, employees receive additional training such as training on the operation of scanning equipment and computer generation of rosters and court calendars.

5. What are your performance levels and trends for the key measures of regulatory/ legal compliance and community support?

The Judicial Department recognizes the responsibility given to it to be a good steward of taxpayer dollars invested in the Judicial Department for human resources and for operating expenses. During the past eight years, the Judicial Department has had its financial records examined by the Office of the State Auditor six times. There have been informal suggestions, which have been implemented.

During this same time period, the Judicial Department has been examined three times by the Budget and Control Board Employee Insurance Program to determine compliance with the South Carolina State Employees insurance program. There have been no exceptions noted. The Judicial Department has also been audited twice by the Budget and Control Board Materials Management Office to determine compliance with the South Carolina consolidated procurement code and with Budget and Control Board policy. Two suggestions were implemented after the examination for the period ending December 31, 1997. Subsequent examinations have resulted in no suggestions for improvement.

The Judicial Department began filing an annual plan and report with the Governor's Office of Small and Minority Business Assistance (OSMBA) in 1998. Goals have been set in this program for that

and every subsequent year. The Judicial Department strives not only to meet goals, but also to exceed them as the Consolidated Procurement Code allows. The Judicial Department report for the past year and plan for the current year have been accepted and approved by the Governor's Office.

The Judicial Department is now the recipient of federal grants. As a result, the Judicial Department has been required to file an indirect costs recovery plan with the Grantor. In the past, the Judicial Department's indirect costs recovery plan has been praised as an example of how such a plan should be constructed and presented. As a result, granting organizations have been more receptive to subsequent requests, which has helped obtain additional federal funding.